

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2902 OF 2024

Sachin Gopal Rathod ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Sarang S. Aradhye a/w. Ms. Gauri Velankar and Mr. Shantanu Gurav for Applicant.

Ms. R. V. Newton, APP for Respondent-State.

Mr. A. U. Kolwale, Police Naik, Pandharpur Gramin Police Station, Solapur Gramin.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 25, 2024

P.C. :

. Heard Mr. Aradhye, learned counsel for the applicant and Ms. Newton, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0205 of 2024 dated 05.06.2024 registered with Pandharpur Rural Police Station, District - Solapur Rural, for offences under Sections 323, 376, 376(2)(n), 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant leading to registration of the FIR shows that according to her, the applicant was in touch with her in the backdrop of she, having lost her husband, requiring certain assistance. It is claimed that in this manner, after the two got in touch with each other, they used to speak on phone and thereafter the applicant gave her promises of marriage and exploited her. Thereafter a particular incident is described, whereby the applicant forced himself on the informant on 12.02.2024 and that the applicant used to threaten her.

4. The learned counsel for the applicant submits that the relationship between the applicant and the informant was consensual and this is evident from the material available on record. The informant even refused to undergo medical examination after registration of the FIR. It is submitted that even according to the informant, the last incident was in February, 2024. The FIR came to be registered after four months i.e. on 05.06.2024. It is submitted that the applicant is ready to co-operate with the investigation.

5. The learned APP submits that the ingredients of the offences are sufficiently made out on the basis of the statement of the informant itself. All the ingredients are specifically stated and in the backdrop of the fact that the informant is a widow with a child, there is enough material to indicate that the applicant exploited the informant.

6. This Court has considered the material on record in the backdrop of the rival submissions. The learned APP has also tendered a copy of the statement of the informant recorded under Section 164 of the Cr.P.C. A perusal of the same shows that although it is in line with the statement that led to registration of the FIR, in both the statements, general allegations of physical exploitation have been made. The statements themselves reveal that the informant was regularly in touch with the applicant and that the applicant had helped and assisted her in the backdrop of she having lost her husband and her mother being unwell. It is generally stated that the applicant used to physically exploit the informant by giving promises of marriage. At one point, the informant has also stated that the applicant had kept her at a particular room. Thereafter, reference is made to the incident of 12.02.2024. The FIR has been registered after four months of the last such alleged incident of forcible sexual intercourse.

7. The material on record gives an impression to this Court that the

informant knew the applicant for a considerable period of time and that they had developed relationship with each other. *Prima facie*, it appears that when the relationship did not eventually work out, the informant has caused the registration of the FIR. It is relevant that the informant even refused to undergo medical examination. The applicant is ready to co-operate with the investigation.

8. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0205 of 2024 dated 05.06.2024 registered with Pandharpur Rural Police Station, District - Solapur Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 28.10.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer;
- C. The applicant shall co-operate with the investigation, including surrendering his mobile and remaining present for medical examination, if so required by the investigating officer;
- D. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed

further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab