



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.197 OF 2024

Sachin s/o Dhanraj Sagorkar
Vs.

State of Maharashtra, Through its Police Station Officer, Dahihanda
District Akola and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Advocate for applicant.
Ms. Soniya Thakur, APP for respondent No.1/State.
Mr. Anirudh Ananthakrishnan, appointed Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. Apprehending the arrest at the hands of Police in connection with Crime No.86/2024, registered with Police Station Dahihanda, District Akola, for the offences punishable under Sections 376, 376(2)(n) and 417 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant Mr. Sirpurkar submitted that from the recitals of the First Information Report itself it reveals that there was a consensual physical relationship between the present applicant and the victim. During the said relationship the victim married with one Nilesh Ramdas Mankar and she had filed the proceeding against said Nilesh Mankar under the provisions of

the Protection of Women from Domestic Violence Act, 2005. In the said application, she contended that she was ill-treated by said Nilesh Mankar as he is having affair with some lady, whereas in the First Information Report she alleged that due to the present applicant her marriage with said Nilesh Mankar is broken. Thus, there are contrary statements made by the victim before the Police and before the Court in a Court proceeding. He submitted that considering the allegations and considering the fact that there was a consensual relationship. The custodial interrogation of the present applicant is not required, in view of that the interim protection granted to the present applicant deserves to be confirmed.

3. Learned APP for the State and the learned appointed Counsel for the respondent No.2 strongly opposed the said application on the ground that the offence is of a serious nature and the custodial interrogation of the present applicant is required, in view of that the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant and learned APP for the State as well as learned appointed Counsel for the respondent No.2, perused the recitals of the FIR and the investigation papers, from which it reveals that there was a love affair between the applicant and the victim and physical relationship was developed out of consent.

Moreover, the statement of the victim in the First Information Report and in the criminal proceeding filed against Nilesh Mankar appears to be contradictory. Considering the same, it reveals that she was married with one Mankar but she filed the proceeding against him, wherein she has stated that said Nilesh Mankar has ill-treated her, whereas in the First Information Report she stated that due to the present applicant her marriage was broken. Thus, the substance of the First Information Report on the basis of the said statement made in a Court proceeding appears to be false one.

5. Considering the fact that there was a consensual relationship and nothing is to be recovered from the present applicant, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

O R D E R

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.86/2024, registered with Police Station Dahihanda, District Akola for the offences punishable under Sections 376, 376(2)(n) and 417 of the Indian Penal Code, the applicant **Sachin s/o. Dhanraj Sagorkar** shall be released on anticipatory bail on execution P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

6. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)