



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

CRIMINAL APPLICATION (ABA) NO. 232 OF 2024

Pravin Pralhad Damdhar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Shegaon, 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. Mohan Vishnu, Counsel h/f Mr. S. K. Wankhade, Counsel for applicant.
Mr. M. J. Khan, APP for respondent No.1/State.
Ms. C. S. Bhute, appointed Counsel 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.89/2024 registered with Police Station Shegaon, District Buldhana for the offences punishable under Sections 376 and 506 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the victim, who is grownup lady on an allegation that she got acquaintance with the present applicant prior to two years. Thereafter, there was a communication between them. She also roam along with him at various places. Thereafter, the applicant took her in a Guest House at Shegaon and subjected her for sexual assault. On the basis of

the said report, police have registered the crime against the present applicant.

3. Learned Counsel Mr. Mohan Vishnu holding for Mr. S. K. Wankhade for the applicant submitted that as far as the allegations are concerned, from which it reveals that there was a consensual relationship between the applicant and the victim and out of consent, the alleged incident has taken place. He submitted that as far as the custodial interrogation is concerned, which is not required. Moreover, the FIR is lodged after delay of seven months and for which no explanation is put forth by the victim. Considering the same, the applicant be protected by granting anticipatory bail.

4. Learned APP for the State and learned appointed Counsel for the respondent No.2 strongly opposed the said application on the ground that the custodial interrogation is required for the purpose of seizure of the motorcycle and the mobile phone of the present applicant and therefore, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant, learned APP for the State and learned appointed Counsel for the respondent No.2. Perused the investigation papers, from which it reveals that there was acquaintance between the victim and the present applicant from last two years. She visited

various places along with the present applicant and the physical relationship was developed between them out of consent. As far as the contention of the learned APP for custodial interrogation is concerned, which can be take care of by directing the present applicant to produce the incriminating articles before the Investigating Officer. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
- (ii) The applicant **Pravin Pralhad Damdhar** shall be released on anticipatory bail in the event of arrest, in connection with Crime No.89/2024 registered with Police Station Shegaon, District Buldhana for the offences punishable under Sections 376 and 506 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall produce his motorcycle and the mobile phone for the investigation purpose and the said period would be considered as his custody under Section 27 of the Indian Evidence Act.
- (iv) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- (v) 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.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)