



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

CRIMINAL APPLICATION (ABA) NO.583 OF 2024

Sau. Pushpa Sukhdev Ingle and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Murtizapur (City), District Akola

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

Court's or Judge's orders

Mr. S. C. Wankhade, Advocate for applicants.

Mr. C. A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/08/2024

1. Initially, the present application is filed by the applicant Nos.1 to 5 for grant of anticipatory bail in connection with Crime No.277/2024 for the offences punishable under Sections 64, 89, 3(5) of the Bhartiya Nyaya Sanhita, 2023. During the pendency of this application, all the applicants except applicant No.2 are arrested therefore the application of applicant Nos.1, 3 to 5 became infructuous.

2. The crime is registered on the basis of report lodged by the informant on an allegation that the co-accused promised her that he would accept the parenting of her child which is begotten from her earlier marriage and he has also proposed her for the second marriage, accordingly, on the promise of the marriage, she subjected her for sexual assault. When she was residing along with the co-accused, she was pregnant and the co-accused Prathamesh took her at his house and disclosed that the victim is

pregnant and he do not want the child from her. On that, the present applicant and the other co-accused assaulted the informant by means of fist and kick blows which resulted into the termination of pregnancy of the informant and therefore, she lodged report at the Police on the basis of which the crime is registered.

3. Learned Counsel for the applicant submitted that as far as the other accused against whom the allegation of the sexual assault is levelled is already arrested and as far as the present applicant is concerned, general allegation is made against him. As far as his custodial interrogation is concerned, which is not required. The applicant is 19 years old student, if he is kept behind bar, his entire educational career will be ruined. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the statement of the victim and the medical certificate discloses that due to the assault on her by kick and fist blows, she lost her child and she has sustained the injuries and therefore, the custodial of the present applicant is required and bail application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that general allegation is made against the present

applicant. The medical certificate nowhere shows any injuries sustained by her on her person or the genital area. But considering the other co-accused, they have already arrested and are in the custody of the Investigating Officer. As far as the present applicant No.2 is concerned against whom general allegation is made, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
 - (ii) In the event of arrest, the applicant **No.2 Aniket Sukhdev Ingle** shall be released on anticipatory bail in connection with Crime No.277/2024 registered under Sections 64, 89 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - (iii) The applicant No.2 shall attend concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
 - (iv) The applicant No.2 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)