



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 612 OF 2025

Sunil Parasram Lone

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

Advocate for Applicant : Mr. S.R. Bagal, Advocate h/f. Mr. Bharat N. Gadegaonkar

APP for Respondents: Mr. A.S. Shinde.

CORAM : MEHROZ K. PATHAN, J.

DATE : 24TH NOVEMBER, 2025.

P.C. :-

1. The applicant has approached this court, seeking grant of anticipatory bail in Crime No. 24 of 2025 registered with Shivaji Nagar Police Station, Nanded for the offences under Sections 376(2)(n), 323, 504, 34 of IPC.

2. It is the submission of the learned counsel for the applicant that the applicant was in consensual relationship with the victim/complainant. It is further submitted that there are call details records (CDRs) and Whatsapp Text message exchange between the applicant and complainant, which would show that the victim had consensual relationship with the applicant. As such, the offence under Section 376 (2)(n), as alleged, is not made out. It is further submitted that the applicant has attended the police station and complied with the conditions as per the interim orders dated 8.5.2025. There is not a single

violation of any of the conditions imposed by this Court. Rather, the applicant has cooperated with the investigation by submitting the CDRs and Whatsapp messages exchanged between the applicant and the complainant. He, therefore, submits that the order dated 8.5.2025 needs to be confirmed, as he is ready to abide by any further conditions that may be imposed by this court upon him.

4. As against this, the learned APP and the learned counsel for the complainant oppose the application, on the ground that the offence is serious. The applicant is charged with committing forcible sexual intercourse upon the girl. The applicant is 38 years of age and the girl had completed 18 years of age, when the first incident of June 2024 had taken place. Thus, taking disadvantage of the vulnerable age of the victim the applicant has exploited her. It is further submitted that though the applicant has scrupulously followed the conditions imposed, the offence being serious, this is not a fit case for grant of anticipatory bail.

5. I have gone through the investigation papers made available by the learned APP and perused the statement of the victim. Perusal of the statement of the victim under Section 183 of the BNSS would show that the complainant had narrated the fact about the explanation to her mother about the false charge of having committed sexual intercourse with the victim. Thus, there is a discrepancy in the statement of the complainant and the FIR about the allegations as against the present applicant.

5. Even though the medical evidence supports the allegations, however, looking to the discrepancy in the FIR and the statement of the victim, I am inclined to protect the applicant and confirm the interim order passed by this Court dated 8.5.2025, with only an additional condition, to allay the fear of the prosecution that the applicant may flee away from justice and may not be available for trial.

6. Hence, the following order. :-

ORDER

[I] The interim order granting anticipatory bail dated 8.5.2025 is hereby confirmed.

[II] In addition to conditions mentioned in order dated 8.5.2025, the applicant to abide by the following conditions :-

[i] The applicant shall attend the I.O. on every Thursday and Friday between 12.00 Noon and 2.00 p.m. till filing of the charge sheet and thereafter as and when called by the I.O.

[ii] The applicant shall hand over the mobile phone to the Investigating Officer and shall cooperate with the investigation.

[iii] The applicant shall attend the trial on each and every date.

[iv] The applicant shall submit his current address, Aadhar and Pan Card and phone numbers and addresses of two of his near relatives to the investigating Officer.

[MEHROZ K. PATHAN]
JUDGE.

grt/-