



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.876 OF 2025

Dnyaneshwar Shriram Lohar.

.... Applicant

Versus

1. State of Mharashtra
Through Inspector,
MIDC Police Station, Latur,
Dist. Latur.

2. XYZ.

.... Respondents

.....
Mr. Shaikh Mujtaba Gulam Justafa, Advocate for Applicant
Mr. N.D. Batule, APP for Respondent – State

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 20 AUGUST, 2025

PRONOUNCED ON : 21 AUGUST, 2025

ORDER :

1. This is a pre-arrest application, apprehending arrest in Crime No.0357 of 2024 registered with M.I.D.C. Latur Police Station, District Latur for offences punishable under sections 376(2)(n), 366, 496, 504, 506, 34 of the Indian Penal Code (IPC).

2. Learned counsel submitted that, the report was lodged by the informant under the pressure of her father. That, there was a love

relationship between the informant and the present applicant, and that they had also performed a marriage ceremony, photographs of which have been placed on record. That, the applicant has also initiated proceedings under Section 97 of the Cr.P.C., seeking custody of his wife (informant), who is allegedly being detained by her father. Learned counsel took this Court through photographs at exhibit 'B' in support of the above contentions and submitted that the relationship between the informant and the applicant was consensual and due to love relations. That, the present FIR is patently false and has been lodged with an ulterior motive, under the pressure of the informant's father. For all above reasons learned council seeks relief of anticipatory bail.

3. Learned APP opposed the application on the ground that the informant herself has lodged the report. That she has also given a statement before the learned Magistrate under Section 164 of the Cr.P.C., wherein she has named the present applicant who forcibly taking her. According to the learned APP, the applicant has been absconding for almost a year. That, the vehicle used in the alleged offence is yet to be recovered. Moreover, the investigating agency requires the biological sample of the applicant. For all above above reasons, the learned APP seeks rejection of the bail application.

4. Heard. Perused the FIR dated 28.05.2024. The informant, who appears to be 19 years of age, has reported that when she used to go to college, her neighbour the present applicant used to keep watch on her. She alleged that on 24.02.2024, when she left her house to attend college, the applicant intercepted her at the gate and informed about ill-health of her mother. He then took her away in a white car. Believing his statement, she claims to have voluntarily sat in the vehicle and accompanied him. However, she further stated that the vehicle was not taken towards her house, and therefore, she questioned him regarding the same. She reported that, at that point, the applicant allegedly expressed his liking for her and that he loves her and also offered to perform the marriage. She alleged that she was threatened to be killed and therefore she kept silent and she was taken to Alankapuri at Anandi and there forcibly she was made to get married. She further reported that on 25.02.2024, while they were put up in a lodge, he maintained physical relations.

6. Along with the application, photographs of the applicant and the informant garlanding each other have been placed on record. Learned counsel has invited the attention of this Court to an application submitted to the police officer at Vivekanand Chowk, which appears to be a joint application by the applicant and the informant carrying their

photographs as well as signatures and requesting protection apprehending trouble at the hands of family members and at Exhibit 'C', there is a copy of application by present applicant moved before the Chief Judicial Magistrate Latur praying to issue warrant and seeking custody of his wife. Therefore, in light of the above, *prima facie*, it is emerging that the informant is 19 years of age. The photographs of both the applicant and the informant together, coupled with the joint application submitted to the police, indicate that there was prior acquaintance between them.

7. APP also invited the attention of the Court to the medico-legal papers; however, the medical opinion states that the examination findings are within normal limits, which neither confirm nor refuse forcible sexual intercourse. It is further noted that the final opinion has been reserved.

8. Taking the above material into consideration, the relief of anticipatory bail deserves to be granted. Hence, I proceed to pass the following order:

ORDER

(i) Application is allowed.

- (ii) In the event of arrest of applicant in connection with Crime No.0357 of 2024 registered with M.I.D.C. Latur Police Station, District Latur for offences punishable under sections 376(2)(n), 366, 496, 504, 506, 34 of the Indian Penal Code (IPC), he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station from as and when called by the Investigating Officer and shall co-operate in the investigation.
- (v) The applicant shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane