



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

ANTICIPATORY BAIL APPLICATION NO.1388 OF 2024

Ramnath Bansi Pawar

VERSUS

The State of Maharashtra and Another

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Advocate for Applicant : S. V. Kulkarni and V. U. Rathod

APP for Respondent-State : Mr. A. S. Mantri

Advocate for Respondent No.2 : Mr. M. P. Gandle

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 25, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No. 0108/2024, registered at Daulatabad Police Station, District Chhatrapati Sambhajinagar, for offences punishable under Sections 420, 406, 376(2)(n), and 34 of the Indian Penal Code.
3. This Court, by order dated 14/08/2024, granted interim protection to the applicant, which was subsequently continued on various dates.
4. The FIR was lodged by the informant alleging that she resides with her husband, two daughters, and one son. The informant's daughter was engaged to the applicant, and the engagement ceremony was solemnized on 22/06/2022. At the time of engagement, the daughter was stated to be below 18 years of age. It was agreed that the marriage would be performed after she attained the age of majority, and therefore, the marriage ceremony was

postponed by the informant. However, after the prosecutrix attained the age of 18 and the informant fixed the date of marriage, the applicant refused to proceed with the marriage.

5. Initially, the FIR was registered under Sections 420 and 406 of the IPC. However, after the statement of the prosecutrix was recorded, Section 376(2)(n) of the IPC was added. Following this, the applicant approached the Sessions Court for anticipatory bail, which was rejected. Hence, the present application has been filed.

6. The learned Counsel for the applicant denies physical relations, however, submits that even if the statement of prosecutrix is accepted the relationship between the applicant and the prosecutrix was consensual. He further submits that the offence under Section 376(2)(n) was added later due to a dispute between the parties. The learned Counsel has also relied on the Aadhaar Card of the prosecutrix, which reflects her date of birth as 01/01/2004. He contends that at the time of the engagement, the prosecutrix was over 18 years of age and that the alleged incidents occurred between 22/06/2022 and 05/06/2024.

7. *Prima facie*, this Court is of the opinion that the relationship between the applicant and the prosecutrix appears to be consensual, possibly arising out of the engagement. The applicant has given some reason for the engagement being cancelled and the same will have to be tested

during trial. The actual age of the prosecutrix will have to be established before the trial Court. Considering the totality of the circumstances, the interim protection earlier granted to the applicant deserves to be confirmed.

8. In view of the above, the interim protection granted to the applicant is confirmed, and the application is allowed in the following terms : -

- i] In the event the applicant is arrested in connection with FIR No.0108/2024, registered at Daulatabad Police Station, District Chh. Sambhajinagar, for the offences punishable under sections 420, 406, 376 (2) (n), 34 of IPC, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- ii] The applicant shall attend the police station as and when called by the police.
- iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.