



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

ANTICIPATORY BAIL APPLN. NO. 1473 OF 2024

Dyanoba Mugaji Karhale
@ Mauli Maharaj Mudekar,
Age : 40 years, Occu. : Kirtankar,
R/o. Gangotri Ashram Malewadi,
Gangakhed, Tq. Gangakhed,
Dist. Parbhani.

.. APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Gangakhed, Police Station,
Tq. Gangakhed, Dist. Parbhani.

.. RESPONDENT

...
Mr.H.D.Deshmukh a/w. Mr.Anand I. Deshmukh, Advocate for
the applicant.

Mr.S.K.Shirse, APP for the respondent-State.

Mr.G.K.Ulle, Mr.S.P.Sonwane & Mr.S.P.Tandale, learned
counsel for the Assist to the P.P.

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CORAM : ARUN R. PEDNEKER, J.

Reserved on : 26.02.2025

Pronounced on: 24.04.2025

P.C. :

1] Heard the learned counsel for the applicant, the
learned APP for the respondent-State and the learned
counsel for the Assist to P.P.

2] The applicant is apprehending arrest in connection with Crime No. 0501/2024, registered with Gangakhed Police Station, Taluka Gangakhed, District Parbhani, for the offence punishable under Sections 376 (1), 377 and 354-A of the IPC.

3] It is alleged in the FIR that the informant along with her family members are the Sevekari of Gangotri Ashram run by the accused situated at Gangakhed Malewadi road. It is further alleged that on the day of Guru Poornima in the year 2021, she was at Gangotri Ashram along with her husband and at that time the accused had given Rs.100/- to her husband and asked him to bring cold drink. At that time the accused called the informant in his room and committed sexual intercourse with her against her will. The informant protested and shouted but due to noise of loud speaker, she was not heard. The said incident was narrated by her to her husband but he did not believe her as the informant was making allegation against their

Guru. When they returned home, the informant requested her husband to lodge complaint to police but her husband refused as no one would believe them. The husband of the informant also told her that the accused have tried to commit unnatural intercourse with him earlier but did not succeed. It is further alleged that on 04.10.2021 at about 1.30 p.m. when she was at her home along with her husband, at that time, the accused came to their home at that time she brought cup of tea to the accused. At that time, she thought that the accused will not do anything against her, therefore, she asked her husband that she will go alone and he may come behind her. When she gave tea to the accused at that time the accused asked her sit on the bed at that time the accused rub her breast. This incident was recorded by her husband in his mobile. Thereafter, they called Nivrutti Maharaj Isadkar and Shivaji Maharaj Bokare to their home and confronted the applicant and at that time the accused had beg apology. It is stated that at that time also they thought of filing complaint with police station but again they thought that no one will trust them, therefore,

they have kept mum. It is further alleged that later the incident was stated by her to her mother in law and father in law at that time they gave her courage to file complaint on 08.08.2024. On complaint being filed, the applicant filed Criminal Bail Application for anticipatory bail before the Additional Sessions Judge, Gangakhed and the same was rejected by order dated 20.08.2024. Thereafter, the present application is filed.

4] The learned counsel for the applicant submits that the incident is of the year 2021 and the FIR is lodged after 3 years and 5 months and thus it creates doubt of the incident as narrated by the complainant. The delay is not appropriately explained. He further submits that if the alleged sexual assault happened earlier, then why she went alone to the accused and her husband also allowed her to meet the accused alone and also they were ready to shoot the incident in mobile phone. This fact itself shows that it is all preplanned to trap the accused. Even though the incident is not disclosed to anyone but they were waiting to

use said video as and when found necessary, as such, this would mean that the informant has invited the applicant and that there was mutual consent and understanding for the alleged act and the incident of recording was done to blackmail the accused. He further submits that the applicant is a successor of the Gadi of Motiram Maharaj, which was ultimately succeeded by the applicant accused. The applicant is falsely implicated in the alleged crime. The applicant has large number of followers and that the complaint is lodged against the applicant only to defame him in the society. As such, the applicant be released on anticipatory bail. He further submits that the charge sheet has been filed in the matter and that no custodial interrogation of the applicant is necessary.

5] *Per contra*, the learned APP and the learned counsel for the assist to P.P. submit that the statement under Section 164 of the Criminal Procedure Code is also on record, which shows involvement of the applicant in the alleged crime. It is further submitted that the accused, a

self-proclaimed religious leader, has misused his position of power to sexually exploit the victim and her husband under the false pretenses. The act of sexual assault, unnatural offences and sexual harassment committed by the accused are aggravated by his influence and position in society. The husband of the victim has recorded a video of the accused in an inappropriate act. As such, the anticipatory bail should not be granted in favour of the applicant.

6] Considering the rival submissions and fact that primarily to be noticed in favour of the applicant, are as under :

- i] The offence is registered after 3 and $\frac{1}{2}$ years.
- ii] No details are provided as regards unnatural intercourse with husband of the informant.
- iii] That the second incident shows that there was a preplan to record the video of second incident.

iv] That there was a dispute as regards succession of *Gadi*, is not disputed.

v] That there are number of followers of the Ashram and they were residing at the Ashram, as such, there is possibility of false implication of the applicant in the alleged crime.

7] The factors against the applicant are as under :

i] The victim filed the FIR after support of her mother in law and father in law.

ii] The applicant is in position of power over the informant's family.

iii] There are video transcripts, as noted below :

It can be seen from the transcript of first video recording that one person is seeing sitting on the cot of having unnatural sexual intercourse with some lady. It is stated by witness that the person seen in the video is the accused namely Dnyanoba Mugaji Karade. It is further stated by the witness that the witness did not know the lady as she was wearing a scarf on her mouth.

It can be seen from the transcript of second video recording that the applicant is pressing breast of the informant. It is also seen

from the transcript of said video that the applicant has caught hold the informant and has committed forcible sexual intercourse and the informant was shouting.

In the third transcript of video recording that the applicant is seeing doing sit-up as punishment saying that he will not do in future such act and that he will not say anything against any lady and the applicant is saying that their love should remain till the end and the applicant accepts all the acts.

The fourth video recording transcript is not clearly ascertainable.

The transcript of fifth video recording indicates that the applicant is having sexual intercourse with some unknown lady.

The transcript of sixth, seventh and eighth video recordings indicate that the applicant is also having sexual intercourse with some unknown lady.

8] Considering the overall material on record and considering the allegations made by the informant against the applicant, it cannot be said that the allegations are concocted and the same are grave in nature. It is possible that the videos are recorded to trap the informant. However, the same will have to be seen also in the context

that the applicant is in the position of authority over the informant and the video recording may have been made to substantiate their case. It is to be noticed that the various video recordings show that the applicant is *prima-facie* involved with other persons also. *Prima facie* involvement of the applicant is seen in the alleged crime, as such, this is not a case to grant anticipatory bail. Hence, the present application is dismissed.

9] 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 not be influenced by the observations of this Court while deciding regular bail or at trial.

10] Since the interim protection is operating in the matter, the same is extended by two weeks from today.

[ARUN R. PEDNEKER]
JUDGE

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