



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 ANTICIPATORY BAIL APPLICATION NO. 1874 OF 2024

1. Chetan Pundlik Rathod
2. Mahadeo Ramrao Pawar
Versus
The State of Maharashtra

Dr. R. R. Deshpande h/f Ms. Priyanka R. Deshpande, Advocate for the applicants
Mr. S. B. Jadhav, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE 28th JANUARY, 2025

PER COURT :-

1. At the outset learned counsel for the applicants states that inadvertently the name of applicant no.2 is wrongly typed as 'Mahadeo Ramrao Rathod' instead of 'Mahadeo Ramrao Pawar' in order dated 25/10/2024. This name be corrected accordingly.

2. Applicants apprehend arrest in connection with Crime No. 600/2024, registered with MIDC, Latur Police Station, Dist. Latur for the offences punishable under Sections 64(2)(f), 85, 54, 115, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegations in the first information report is about the alleged harassment caused by the applicants to the informant. There are also allegation against applicant no.2 that he outraged her modesty and

also committed rape on her on 19/07/2024.

4. Learned counsel for the applicants submits that if the alleged incident has occurred on 19/07/2024 and immediately thereafter she has started residing with her parents, question arises as to why there is a delay in lodging of the report. It is his submission that the first information report is lodged on 10/09/2024 i.e. after 15 days of the occurrence of the incident. In fact the complaint was lodged by the applicants on 29/08/2024 with SP, Latur. It is further argued that now charge-sheet is filed and investigation is over and as such the interim relief be confirmed.

5. Learned APP opposed the application by citing seriousness of the crime. She, however, does not dispute the fact that charge-sheet is filed and investigation is over.

6. There is interim relief granted in favour of the applicants on 25/10/2024. Direction was issued to them to attend the concerned Police Station and co-operate in the investigation. There is no grievance from the side of Investigating Agency. The alleged incident has occurred on 19/07/2024 and since 21/07/2024 the informant is staying with her parents and as such there was no justification for not lodging report at least after 21/07/2024 immediately. The first information report itself

clearly indicates that now there are disputes between the parties. This Court therefore finds substance in the contention of the learned counsel for the applicants that the serious nature of the allegation sought to be made against the applicants could be by way of their false implication /over implication. In any case after filing of the charge-sheet, their custody is not required. Hence, application stands allowed in terms of interim order dated 25/10/2024.

(R. M. JOSHI, J.)

ssp