



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2276 OF 2024

Vasant Datkya Paradke,
Age : 24 years, Occu. : Labour,
R/o. Gaurya - Khavlyapada,
Tal. Dhadgaon, Dist. Nandurbar.

... Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through Dhadgaon Police Station.

2. X.Y.Z.

... Respondents.

.....
Ms. Rutuja L. Jakhade, Advocate for Applicant.
Ms. Anuradha Mantri, APP for Respondent - State.
Ms. Sayali Tekale, Advocate for Respondent No.2.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 20th FEBRUARY, 2025

PRONOUNCED ON : 21st FEBRUARY, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No. 175 of 2024 registered at Dhadgaon Police Station, Dist. Nandurbar for offence punishable under sections 64(1), 115(2) and 351(3) of the Bharatiya Nyaya Sanhita 2023.

2. It is submitted that, applicant is arrested on 10.09.2024 in FIR dated 09.09.2024. She pointed out that, alleged occurrence is of 03.09.2024 and as such it is her submission that

there is delay of six days in reporting. She pointed out that, there is false implication. That, medical evidence does not support prosecution case. Now, charge-sheet is filed in November 2024. That, nothing is shown to be recovered at his instance. That, applicant is ready to abide all and any conditions and hence relief is sought.

3. Learned APP as well as learned counsel appointed for protecting the interest of respondent no.2, both have strongly opposed the application and submitted that serious crime is committed on a married woman. They submitted that, taking disadvantage of her loneliness, offence is committed. Learned appointed counsel would submit that, previous attempt to seek bail went futile as court was not inclined to grant bail and application was withdrawn. Learned APP pointed out that, reason for delay is reflected in the FIR itself. For above reasons, there is opposed to the application.

4. Heard. Perused the FIR dated 09.09.2024. Informant seems to be a married lady. She has reported that, three months back, her husband had gone to Gujarat for earning livelihood and as such she was alone. She reported that, present applicant, who resides in their hamlet (*pada*), forced his entry in her house at

12:00 mid-night of 03.09.2024, while it was raining heavily. She alleged that, in spite of her resistance, after slapping her, pressing her throat threatened her, tore her clothes and against her wish had sexually intercourse with her. She has stated that, because of rains, no one could hear her shouts. She further reported that, she informed about the occurrence to her mother-in-law, but out of fear of getting defamed and that husband would be informed, there seems to be delay. Even otherwise, in cases of such nature, delay, if any, is of no much relevance. Applicant is specifically named. Submissions that medical evidence does not support prosecution also, is not significant. Apparently, as submitted disadvantage of lonely married woman has been allegedly taken.

5. Considering the nature of allegations and gravity of the offence, even if charge-sheet is filed, this court is not inclined to grant relief, at this stage.

6. The application stands rejected.

7. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)