



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2399 OF 2024

Tatyrao Dinkar Jadhav
Age: 39 years, Occu.: Service
R/o. Wakti, Tq. Vaijapur,
District Chhatrapati Sambhajinagar
(Aurnagabad)

... Applicant

Versus

The State of Maharashtra
Through Virgaon Police Station,
Tq. Vijapur, Dist. Aurangabad
Tq. Ashti, Dist. Beed

... Respondent

.....
Ms. Rutuja L. Jakhade, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent – State
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 FEBRUARY 2025

PRONOUNCED ON : 05 FEBRUARY 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0391 of 2024 registered at Virgaon Police Station, District Aurangabad for offences punishable under Sections 376(1), 376(2)(n), 504 and 506 of the Indian Penal Code (IPC).
2. Learned counsel pointed out that there is a false implication of applicant in above crime dated 08.12.2024. That, applicant is arrested on

09.12.2024, and he is behind bars since then. Learned counsel pointed out that victim is grown up lady, 36 years of age. That, whatever physical intimacy developed was consensual, and there was no rape or force. That, applicant and victim came in contact on social media. That, victim refused for medical examination. That, physical intimacy was purely consensual, and therefore, there is false, and after thought, implication with ulterior motive. Lastly, it is submitted that applicant is behind bars since one month, and nothing is to be recovered or discovered at the instance of applicant, hence she prays for grant of bail.

3. Learned APP opposed the application on the ground that, applicant and victim got to know each other on matrimonial site. That, there was promise of marriage and on such assurance, sexual relations were maintained, and report to that extent is received. That, offence and allegations being serious, learned APP opposed to grant any relief.

4. Heard both the sides. Perused the papers including FIR dated 08.12.2024 lodged at Virgaon Police Station on the strength of which Crime No.0391 of 2024 was registered. The victim, who is 36 years of age has reported that, in July 2022, she had enrolled on matrimonial site. The present applicant contacted her on mobile on 18.08.2022 by WhatsApp and extended proposal of marriage, projecting that he works in C.R.P.F. and that he is a divorcee, and further expressed his desire to

marry informant. She claims that since then, the present applicant regularly sending her WhatsApp messages, and even talking to her. In December 2022, he allegedly called her at Aurangabad and she accordingly came on 23.12.2022, and they met at bus stand. Thereafter, he took her for lunch, and then to lodge. She alleged that, applicant told her that now they are going to perform marriage, and in spite of refusal, he forcibly engaged in sexual relations with her. She reported that again in April 2023, when applicant had came on leave, she approached him on 09.04.2023, but found that his first wife was with him. When she questioned him about their marriage, he allegedly abused, threatened and drove her out. She had further reported that, thereafter, he called her informing that his first wife has consented to their marriage, but he did not perform marriage, and therefore, she had lodged report at Virgaon Police Station on 11.07.2023 regarding episode of abuses. Thereafter, the applicant contacted her in January 2024 and requested her that they would perform marriage and called her for further talk. Accordingly, on 18.02.2024, when the family members and relatives of victim approached the applicant, further talks of marriage had taken place, and it was agreed to perform the marriage in May, but he demanded Rs.5,00,000/- by way of dowry. Her parents were informed about inability to pay such amount. Then, she claims that in one night, he took her to the room and again her against her wish, he had sexual

relations with her saying that they are now going to marry. Finally, when she realized that he is not going to marry her, she has lodged above report.

5. Above discussion clearly suggests that victim is 36 years of age. The victim seems to have come in contact with the present applicant on a matrimonial site. She has alleged exchange of WhatsApp messages and talks since they got to know each other in July 2022. She has reported about herself coming to Aurangabad to meet him in December 2022 and even visiting a lodge after taking lunch with him. It appears that she spent the night with him at the said lodge. It is reported that on promise of marriage applicant had sexual intercourse with her against her wish. FIR further shows that in February 2024, relatives from both sides met to discuss about their marriage. This time also, she alleges that, saying that that now they are going to perform marriage, he had sexual intercourse with her against her wish i.e. on 18.02.2022 and 19.02.2024, but FIR is apparently lodged on 08.12.2024 i.e. almost after 9 to 10 months after alleged forceful sexual relations. Therefore, taking such material into consideration, and above duration of acquaintance, age of prosecutrix and when nothing is shown to be further recovered or discovered at the instance of applicant, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Tatyrao Dinkar Jadhav be released on bail in connection with Crime No.0391 of 2024 registered at Virgaon Police Station, District Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane