



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

BAIL APPLICATION NO. 2387 OF 2024

Aniket S/o. Babasaheb Hare,
Age : 23 Years, Occu. : Agriculture,
R/o. Pargaon, Tq. Washi,
Dist. Dharashiv.

... Applicant

VERSUS

The State of Maharashtra,
Through Police Station Washi,
Tq. Washi, Dist. Dharashiv.

... Respondent

....
Advocate for Applicant : Mr. Sushant B. Choudhari
APP for Respondent-State : Mr. C.V. Bhadane
....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 30th January, 2025
PRONOUNCED ON : 04th February, 2025**

ORDER :

1. This is a regular bail application on account of arrest of the applicant in crime bearing No.0232/2024, registered at Washi Police Station, for offences under Sections 64(2)(f), 64(2)(h), 78, 115(2), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicant pleaded innocence and false implication in above crime. He submitted that, FIR is registered

on 28.08.2024, showing occurrence of offence on 24.08.2024. There is delay of four days which is not explained. Learned counsel pointed out that, the applicant is in fact brother-in-law of the informant. That, there was property dispute between the husband of the informant and the present applicant, who are brothers. That, allegations are levelled that, there was forcibly sexual relations. That, there was no such incidence. Now, the applicant is behind the bars since 28.08.2024. That, investigation is already over and as nothing is to be discovered and recovered, learned counsel prays for grant of bail.

3. Opposing the bail application, learned APP pointed out that, the applicant-accused is brother-in-law of the informant-victim, who is married lady. He pointed out that, she has reported that, shortly after marriage, the applicant used to suggest her to accompany him. That, on 24.08.2024, when her husband was out of the house, he forced his entry in the house and committed forcible rape. That, the informant has reported against her wish that she was forcible raped. That, there is report that, said incident was informed to her father-in-law as well as husband. That, both are witnesses and have given statements. Hence, for above reasons, bail application is opposed.

4. Heard. Perused the papers. FIR seems to be registered by Washi Police Station, on being reported by the informant-victim on 28.08.2024. She has narrated that, she resides with her husband, four year child and she to be pregnant. She has stated that, shortly after marriage, applicant i.e. her brother-in-law, who is unmarried, started insisting her to accompany him, but she refused. That, since last two months, harassment had aggravated. She has further stated that, on 24.08.2024, at 10.00 p.m., when she was sleeping with her daughter, the applicant allegedly came and knocked on the door and when she opened the door, he forced his entry in the house and he, in spite of resistance, raped her and thereafter, threatened to impute her limbs.

5. The informant-victim has further stated that, she reported her husband that the applicant came at home, but out of fear, they did not report. That, again on 28.08.2024, the applicant allegedly came to their house in the early hours of the day and beaten the informant as well as her husband and they both went and informed her father-in-law. Statement of father-in-law is also recorded by the police and he and informant's husband have both given statements about being informed by the informant regarding occurrence of rape dated 24.08.2024.

6. Therefore, taking such allegations into consideration and when there is no foundation in support of claim of false implication on account of property dispute and when there is allegation of committing rape on a pregnant lady, who is applicant's sister-in-law, the relief claimed cannot be granted. Hence, following order is passed.

ORDER

- 1) The application stands rejected.
- 2) Liberty is granted to the applicant to file fresh bail application at later point of time.

[ABHAY S. WAGHWASE, J.]

asd