

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 424 OF 2025

Ganesh Bibhishan Gadage

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

Mr. Priyal G. Sarda a/w. Ms. Shraddha K. Nikadi, Mr. Rupesh K. Bobade for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr. Sunil Natha Ugale, PSI, Daund Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 20th FEBRUARY, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0871 dated 4th December, 2024 registered with Daund Police Station, Pune Rural for the offence punishable under Sections 64, 352 and 351(4) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the husband of the informant was admitted to a hospital at Navi Mumbai for the operation of thigh bone on 26th June, 2024. The informant's family was poor. Therefore, they decided that the informant's husband would take help from the Mukhyamantri Sahyata Nidhi Scheme. In order to obtain the benefits of the scheme, necessary documents were required to be submitted at the office of the Mantralaya, Mumbai. The applicant, who resided near the informant's farm, informed the informant that he was going to Mumbai for some personal work on 22nd July, 2024 in his Eco Car. The informant requested the applicant that she has to go to office of the Mantralaya, Mumbai for submitting the documents, whether she can accompany him in his car.

3. The applicant showed his readiness, on the basis of which the informant accompanied the applicant. It is further alleged in the FIR that on 22nd July, 2024, at 7:30 p.m. the informant accompanied the applicant, and they started their journey. While

travelling via Karmala route, at around 10:30 p.m., the applicant suddenly stopped his car at a remote place near City of Daund. When the informant enquired why the car was stopped, the applicant made some livid comments. And thereafter committed an act of forceful sexual intercourse with the informant and further threatened her that if she informs this incident to anybody, he will kill her. He thereafter dropped the informant at Daund Rikshaw Stand and he left from there. The informant thereafter reached to Terna Sahyadri Hospital, Navi Mumbai on the next day at about 6:00 a.m. by S.T.bus. Knowing that her husband was not keeping well and he will be shocked to know the act committed by the applicant, she did not immediately informed her husband about the incident.

4. The informant thereafter on 25th July, 2024 submitted the documents at Mantralaya and returned to her village Ambi, on 27th July, 2024 by S.T.bus. On 26th August, 2024 the informant's husband's thigh bone operation was conducted and he was discharged from the hospital. The couple returned back to their

village Ambi on 2nd August, 2024.

5. Thereafter the applicant started calling the informant, asking her to come to his farm and have physical relationship with him. Initially, the informant did not inform anyone about the applicant's act out of fear of her reputation. However, the applicant continuously started harassing the informant and threatened that he will malign her image in the society. The informant then informed her husband about the incident that had occurred. The informant's husband stood by her side and gave her the courage to file a complaint against the applicant. As a result, an FIR has been lodged against the present applicant.

6. Mr.Sarda, learned counsel appearing for the applicant submits that the applicant and the informant have a land dispute, as they are staying adjacent to each other in the same village, and that this dispute is the sole reason, the present FIR has been lodged against the applicant.

7. Upon the query put up by this Court to Mr.Sarda on the issue whether such defence of a land dispute, was taken by the applicant in the present anticipatory bail application, Mr. Sarda fairly submitted that the specific ground seeking an anticipatory bail application on this issue has not been taken up. Second argument of Mr.Sarda was that there is delay in filing the FIR. The informant has specifically stated as to when this incident had happened and that her husband at the relevant time was unwell and she was seeking medical aid from the government scheme called as Mukhyamantri Sahyata Nidhi Scheme from Mantralaya, Mumbai. After the incident, she was following up for monetary help for the operation to be conducted of her husband, and after the operation was performed, she came back to her village. Even then the present applicant again started harassing. Therefore, she informed her husband about the shameful act done by the applicant, pursuant to which an FIR has been lodged. According to me sufficient grounds have been raised by the informant in her

complaint for delay being caused in lodging F.I.R.

8. Mr.Sarda also submitted that there is no civil suit filed by the applicant against the informant. He further submits that there is no antecedents against the present applicant.

9. The learned A.P.P submitted that the present applicant is absconding and is not co-operating with the police since September 2024. He also submitted that no any married woman will falsely implicate any person in such type of crime. He further submitted that at this stage, the statement of the prosecution should not be disbelieved by the Court.

10. Considering the fact that the victim is a married woman and having children and staying in a remote village, there is no reason for her to make a false complaint against the present applicant. Moreover, the applicant is not co-operating with the Investigating Officer.

11. Therefore, according to me, no case is made out to grant this anticipatory bail application. This **anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]