



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 422 OF 2025

Prashant @ Chandrakant Kumare Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. U.M. Changle, counsel for applicant.

Mr. M.J.Khan, APP for non-applicant/State.

Ms. Aastha Sharma, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 103/2025 registered with Police Station Gadchiroli for the offence punishable under Section 64 (1) of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by the victim, aged about 32 years, on an allegation that her marriage was dissolved in the year 2014 and thereafter, she started residing along with one Raj Mohammad Mumtaz Ali Chaudhari in a live-in relationship. It is further alleged that the present applicant was residing in her neighborhood and there was an acquaintance between them. The present applicant was assisting her in transferring the amount to her. On the day of incident, on

20/1/2025, when she was in front of her house, present applicant came hold her hand, drag her in the room and subjected her for the forceful sexual assault.

3. Learned counsel for the applicant further submitted that it was a consensual act between both of them, and subsequently, afterthought, she lodged a false report after 30 days of the incident. As far as the immediate custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP invited my attention towards the observation made by the Additional Sessions Judge while rejecting the application and also taken me through the investigation papers and submitted that it was the applicant who had subjected her for the forceful sexual assault and it was not a consensual act. Learned counsel for the victim also endorse the same contention.

5. On hearing both sides and on perusal of the recitals of the FIR, there is substance in the contention of the learned counsel for the applicant. Moreover, he has already attended the concerned police station and cooperated with the investigating agency. As far as his custodial interrogation is concerned, which is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The interim protection granted to the present applicant by order dated 16/06/2025 is hereby confirmed.
- b] The applicant shall attend the concerned police station once in a week on Tuesday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- d] The applicant shall not enter into the vicinity of Mauli Nagar, Police Station Gadchiroli till the culmination of the trial.
- e] The fees of the appointed counsel be quantified as per Rule.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]