



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPLN) NO. 58 OF 2024
WITH
CRIMINAL APPLICATION (APPLN) NO. 57 OF 2024**

X. Y. Z. (THE COMPLAINANT IN CRIME NO. 189/2024)

Vrs.

STATE OF MAHARASHTRA AND OTHERS

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

Court's or Judge's Order

Shri P. S. Thakur, Advocate for applicant.
Ms. T. H. Khan, A. P P for Non-applicant No.1.
Shri Dhruv Sirpurkar, Advocate h/f Shri S. V. Sirpurkar, Advocate for
Non-applicant Nos.2 to 3 in APPLN No.58/2024.

CORAM: RAJNISH R. VYAS, J.
DATE : 25/09/2025.

1. In both these applications, original complainant has challenged the order dated 14/03/2024 in First Information Report No.189/2024 granting anticipatory bail to the accused in crime.

2. I have heard Shri Paresh Thakur, learned counsel for the applicant and Shri Dhruv Sirpurkar, learned counsel for non-applicant Nos.2 and 3.

3. Ms. Khan, learned APP has advanced arguments for the State.

4. Considered the record and arguments advanced by the parties. First Information Report is lodged on 02/03/2024 for commission of offences punishable under Sections 323, 376(2)(n), 417, 504, 506

r/w Section 34 of the Indian Penal Code, 1860 and under Sections 3(1)(w), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. According to the victim, she is 36 years old and is a divorcee. In First Information Report, she alleged that the accused Ajay was a married person and under the pretext of performing marriage, victim / applicant was subjected to forcible sexual intercourse on various occasions. She has also alleged that on one occasion, even the foetus was aborted. According to her, the act committed by the accused persons is serious and she was abused by referring her caste.

6. By inviting my attention to the order passed by the Sessions Court, it is contended by the learned counsel for the applicant that there is bar under Section 18 of the Special Act and therefore, anticipatory bail should not have been granted.

7. Perusal of the First Information Report, reveals that the victim was a divorcee and 36 years old lady. She was aware of the fact that accused was a married person and therefore, there was obstacle in performing the marriage. The continued relationship prima facie also shows that it is consensus.

8. Be that as it may, while granting anticipatory bail, learned Sessions Court has considered scope of

Section 18 of the Special Act and has granted anticipatory bail.

9. Since prima facie case was not made out, protection from arrest was granted to the non-applicants / accused.

10. In that view of the matter, I am not inclined to interfere in the order passed by the Sessions Court.

11. At this stage, Shri Sirpurkar, learned counsel has brought to my notice that the accused persons have preferred Criminal Application (APL) No.576/2024 for quashment before the Division Bench of this Court in which an application is filed by the Investigating Officer praying for grant of permission to file charge sheet. It is thus crystal clear that the investigation in the crime is completed. The parameters for cancellation of bail are totally different.

12. Considering the parameters, it cannot be said that the Sessions Court has not taken into consideration the relevant material.

13. In that view of the matter, applications being devoid of merit are liable to be rejected.

14. Accordingly, applications are rejected.

[RAJNISH R. VYAS, J.]