

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1259 OF 2015

Vikas Vinayak Bhosale

..Applicant

v/s.

The State of Maharashtra.

..Respondents

Mr. Rajiv Patil Sr.Counsel i/b. V.V.Purwant for the Applicant

Mr. Anant Vadgaonkar for the original complainant.

Mr. J/H/Ramugade, APP for the Respondent/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : NOVEMBER 18, 2015.

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant who is arrayed as an accused in Crime No.123 of 2015 for offence under Section 376, 506 of Indian Penal Code.

2. Heard the learned Counsel for the applicant, the learned counsel for the original complainant and the learned APP for the State. Mr. Patil, the learned counsel for the applicant submitted that the allegations made in the FIR do not prima facie disclose the offence under Section 376 of IPC. It is further stated that the

presence of the applicant is not required for the purpose of investigation and has submitted that till the date of filing of the chargesheet, the applicant is ready to stay away from village Raulgaon, Taluka Barshi, Solapur, i.e. the place where the victim is residing. The learned Counsel for the original complainant has submitted that the applicant has been threatening the victim even after the incident and that there is possibility of the applicant interfering with the victim and other witnesses.

3. I have perused the records and considered the arguments advanced by the learned counsel for the respective parties. The record prima facie reveals that the victim is major and married woman. The FIR prima facie reveals that the victim had physical relations with the applicant for three years prior to lodging of the FIR. The FIR further reveals that about two years prior to the FIR the victim had accompanied the applicant to a lodge at Usmanabad and had physical relationship with the applicant. The FIR also reveals that the victim had accompanied the applicant to another lodge at Kurduwadi and had physical relationship with the applicant.

Though the victim has alleged that the applicant had forcible relationship with her, there is no prima facie material to show that the victim had disclosed the same to her husband or her family members or that she had reported the incident to the police. Prima facie the relationship appears to be consensual.

4. The applicant is a native of Solapur and there is no possibility of the applicant absconding. Considering this fact as well as the nature of the allegations levelled against the applicant, in my considered view, the applicant is entitled for anticipatory bail. Hence, the applicant is allowed to be released on anticipatory bail on the following terms and conditions.

i) In the event of arrest of the applicant in crime no. 123 of 2015 of Vairag Police Station, the applicant be released on bail on the applicant furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount, to the satisfaction of the Judicial Magistrate First Class, Barshi, Solapur.

ii) The applicant shall report to the Investigating Officer for seven

days from 10.00 a.m. to 1.00 p.m. or as and when required by the Investigating Officer for the purpose of interrogation.

iii) The applicant shall not interfere with the victim and/or tamper with the evidence in any manner.

iv) The applicant shall not visit Raulgaon till the filing of the chargesheet.

(ANUJA PRABHUDESSAI, J.)