

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1024 OF 2015

Vijay Jayantilal Panchal

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. S. G. Deshmukh a/w Mr. Kanchanpurkar for Applicant

Ms. P. P. Shinde APP for the State.

Mrs. N. P. Patil P.S.I. Kashmirira Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 22nd JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 447 of 2014 registered at Kashmirira Police Station for offence punishable under sections 376, 506 of Indian Penal Code.

2) It is the case of prosecution that applicant herein happens to be step maternal uncle of the complainant. Complainant is 28 years old. On 22/01/2014, complainant lodged a report alleging therein that present applicant was stalking her for some time by sending obscene messages on her cellphone. Thereafter, he had visited Mumbai and taken her to a hotel. He had offered a cold drink to her. According to her, some spurious substance was

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mixed with cold drink and therefore she did not realize what happened on that night. But, according to her, she was ravished. In the morning, applicant had allegedly told her to forget the past. Subsequently he had informed her that he had taken her nude photographs on the cellphone on that relevant night and had started blackmailing her and soliciting sexual favours from her from time to time. She had obliged him whenever he had called her. They had visited several places. Complainant happens to be mother of a son. She was working in a beauty parlour till July 2014. It is submitted that one fine day, she was fed up with his demands and therefore decided to lodge a report. Accordingly, she informed her mother and lodged a report against the applicant. On the basis of which, offence is registered.

3) Learned counsel for the applicant has placed on record, for the perusal of this Court, the messages exchanged between complainant and applicant since May 2014. It prima facie appears from the messages that applicant and complainant were in a relationship. Learned counsel for the applicant submits that when the relations had gone sour, complainant had lodged a report against present applicant.

4) Taking into consideration the papers of investigation and the

submissions advanced across the bar, this Court is of the opinion that applicant deserves grant of pre-arrest bail. However, it is made clear that observations made herein are restricted to the application under section 438 of Code of Criminal Procedure, 1973 and shall not be considered for the purpose of quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to concerned police station on first Sunday of each month till the conclusion of trial.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)