

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1041 OF 2015
A/W
CRIMINAL APPLICATION NO.610 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO.1041 OF 2015

Ajay Jagdev Ingale	... Applicant
Vs.	
The State of Maharashtra	... Respondent
And	
Savita Shatrughan Prasad	... Intervener/Informant

Mr.A.H.H. Ponda i/b P.G. Sarda for the Applicant
Mr.S.S. Pednekar APP, for Respondent – State
Mr.A.M. Savagave, for Intervener
Mr.E.D. Jagadale, Investigating Officer / PSI, Pimpri police station –
present

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 31, 2015

P.C.:

1. The application is filed by the applicant/accused as he is apprehending arrest in C.R. No.352 of 2015 registered with Pimpri police station, Pune for the offences punishable under sections 376, 324, 328, 506 of the Indian Penal Code. The prosecutrix has given the information to the police on 14.6.2015. It is the case of the prosecutrix that she is a married woman and has children. She met the applicant/accused in 2008 and he gave her job as she said that she wanted to earn more money. In 2009, he took her to one hotel and thereafter he took disadvantage and

raped her after administering her some stupefying liquid and then he ravished her. Thereafter at that time, he took obscene photographs and video clips. Thereafter, time to time in 2009 and 2010, he threatened her of circulating her video clip and blackmailed her and raped her. She was also compelled to pay Rs.25 lacs to him as he threatened her and also Rs.6 lacs the loan which she had acquired was taken by him. In February, 2015 again, he threatened him that he called her to one flat at Pimpri and that he would give her money and thereafter he threatened her of life and again raped her. Therefore, she gave information to the police.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused was a family friend of the applicant/accused. They had business transactions. He has returned Rs.10 lacs to her and she has issued receipt to that effect. The allegations made against him are false. He has not committed any offence. The learned Counsel submitted that the allegations as they are taken on face, it appears that the sexual intercourse was consensual. The prosecutrix is major and 38 years old woman. He further submitted that on 20th February, 2015, she attended the birthday party of the applicant. He submitted that he is falsely implicated in this case and hence, he be granted pre-arrest bail.

3. The learned Prosecutor and the learned Counsel for the Intervener have opposed the application. It is submitted that the applicant/accused

blackmailed the lady and raped her under threat of her life and also of circulation of her obscene photographs and video clips. The learned Prosecutor informed the Court that the applicant/accused is not ready to hand over his camera or laptop which is required for investigation. Hence, his custody is required.

4. Perused the FIR. The prosecutrix is a 38 years old married woman having three children. From the contents of the FIR, it appears that the act of sexual intercourse as stated, may not be without consent. Neither the learned Prosecutor nor the learned Counsel for the Intervener could show or quote any incident of circulation of the obscene photographs or video clips of the prosecutrix. In view of this, considering the submissions made by the learned Counsel for the applicant/accused, the pre-arrest bail which was granted earlier on 24.7.2015 is hereby confirmed with the same terms and conditions. However, the attendance at the concerned police station shall be till filing of the chargesheet.

5. Anticipatory Bail Application stands disposed of accordingly.

6. Intervention applications also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)