

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1212 OF 2015**

Vilas Dhyanoba Yele	...Applicant
Vs	
The State of Maharashtra	...Respondent

Mr. Jitendra B. Mishra for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 5th OCTOBER, 2015

P.C. :

1. Heard learned counsel for the Applicant and learned A.P.P for the Respondent - State.

2. By this application, the applicant seeks pre-arrest bail, in connection with C.R. No.100 of 2015, registered with the Shikarpur Police Station, Pune, for the alleged offences punishable under Sections 354A (i) & (ii), 341, 363, 366, 376, 506 r/w 34 of the Indian Penal Code.

3. On 6th April, 2015 the complainant-Vidya Bhivaji Yele lodged an FIR alleging therein, that one Sonaba Ganapat Yele and

Janardhan Baburao Yele had committed an offence under Section 354 A(i) (ii), 341 and 506 of the Indian Penal Code. She has alleged in the said complaint that on 4th April, 2015 at about 6:15 p.m., when she was returning back to her parent's home, the first accused - Sonaba came on a motorcycle along with the second accused – Janardhan, caught hold of her hand and asked her to come with them. Both the aforesaid accused came to be arrested on the same day i.e. 6th April, 2015 and were subsequently enlarged on bail on 7th April, 2015. Thereafter, on 17th April, 2015, the supplementary statement of the complainant has been recorded, wherein, for the first time, the complainant has alleged that on 18th March, 2015 i.e. prior to the lodging of the FIR at about 12 in the midnight, the first accused - Sonaba and the present applicant forcibly took her to Parodi Fata on a motorcycle and that the second accused – Janardhan threatened her by putting pistol on her head. It is alleged in the said statement that on reaching Parodi Fata, the present applicant left with his motorcycle and the first and the second accused i.e Sonaba and Janardhan took the complainant to a lodge at Kedgaon Chauhu, Nhavara Village and committed an offence under Section 376 of the Indian Penal Code. Pursuant to the said supplementary statement dated 17th April, 2015, the name of the

present applicant came to be added in the aforesaid C.R alleging the aforesaid offences.

4. Learned Counsel for the applicant states that despite the complainant having lodged an F.I.R on 6th April, 2015, the F.I.R does not disclose the name of the present applicant. He submitted that in the supplementary statement of the complainant recorded on 17th April, 2015, the complainant has, for the first time, disclosed about an incident which had taken place on 18th March, 2015 i.e. prior to the lodging of the aforesaid F.I.R.

5. Learned A.P.P does not dispute the aforesaid. She submits that the custody of the applicant is required for recovery of pistol and the motorcycle.

6. Considering the nature of allegations, the applicant is enlarged on anticipatory bail on the following terms and conditions :

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
 - ii) The applicant shall attend the Shikarpur Police Station, Pune, as and when called for, till the filing of the charge-sheet;
 - iii) The applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;
 - iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
