

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1749 OF 2015

Shravan Kumar Sharma

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. S.G. Rajput for the Applicant.

Ms R.V. Newton, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 8th DECEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in Crime No. 120 of 2015 registered with Alibag Police Station, Raigad, for the offences punishable under section 323, 324, 376 and 506 of the IPC.

2. Mr. Rajput, the learned counsel for the Applicant has submitted that the Applicant has been falsely implicated in the said crime. He has further submitted that one Rahul, who is a boy friend of the victim had damaged the Television and other household articles from the house of one Sumit Chaudhari and his wife-Richa, son and daughter-in-law respectively of the landlords where the victim was

staying as a paying guest and when they had demanded to pay the damages said Rahul had threatened to implicate them in a false case. The learned counsel for the Applicant further submits that the victim had not reported the incident to said Richa and Sumit.

3. Ms R.V. Newton, the learned APP states that the FIR as well as the statement of the victim prima facie indicate that the Applicant herein had committed rape. The medical evidence also prima facie corroborates the statement of the Applicant.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR dated 30.8.2015 lodged by the victim prima facie reveals that she was staying as a paying guest at Kharghar. On 27.8.2015 said Sumit and Richa had planned to go for a picnic at Alibag. The Applicant herein, who is friend of said Sumit joined them. The records reveal that they had spent the night at Alibag. The victim and said Richa had shared one room whereas the Applicant and said Sumit had shared the other room. The FIR further indicates that on 29.8.2015 when the victim had gone to sleep and left the door open for Richa, the Applicant herein had entered the room and had forcibly sexual intercourse with her.

5. The allegations made in the FIR prima facie indicates that the Applicant is involved in committing the offence under section 376 of the IPC. It is to be noted that the victim was medically examined and the report also prima facie shows that there were bite marks on breast and other injuries on her body. The medical report also prima facie supports the contention of the victim. The offence is of a serious nature and needs to be thoroughly investigated. The gravity of the offence would not justify grant of anticipatory bail.

6. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)