

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.54 OF 2016

Suryakant Lahu Koli

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Girish Kulkarni i/b M.G. Shukla and M.D. Pareek for the Applicant

Ms.M.H. Mhatre, APP, for Respondent – State

Mr.R.B. Nagave, PI, Malvani police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 14, 2016**

P.C.:

1. This is an application for pre-arrest bail as the applicant-accused is facing charges under sections 376, 328 and 506 of the Indian Penal Code in C.R. No.530 of 2015 at Malvani police station, Mumbai. The complaint is registered at the instance of the prosecutrix on 25.8.2015. It is the case of the prosecutrix that she is married and a mother. She was working in Central Institute of Fisheries Education (CIFE) on a temporary basis. Her mother-in-law was also working in that Institute as a technical officer. The complainant tried to become permanent in the office. She became friendly with the applicant/accused who was working as a Union Leader. He told her that if she wanted to become permanent, she will have to pay Rs.1 lakh and it is necessary for her to accompany him to meet the senior officer. In February, 2013, he took her to one restaurant at Marve and at

that time the complainant had tea after which she started feeling giddy. Hence, she was taken to one room and she lost her consciousness and did not remember anything. It is the case of the prosecution that she found herself naked and the applicant had taken her nude photographs and he threatened her that he would circulate her photographs on Whatsapp and also that he would tell her husband that she was having relationship with him and thereafter he compelled her to keep physical relations with him at different places at different lodges in Marve and Manori. On 13.8.2015, she told her sister about the entire incident and her sexual exploitation and thereafter the complaint was lodged.

2. The learned Counsel for the applicant submitted that the cell phone of the applicant-accused is already seized by the police. The applicant-accused has not committed any offence and that the allegations are false.

3. Learned Prosecutor has opposed the application.

4. On perusal of the FIR, it is found that the prosecutrix is 35 years old. She is a married woman and it appears that the relationship was going on for more than two years. The applicant-accused was granted interim pre-arrest bail. In the facts of the case, I am of the view that custody of the applicant-accused is not required and hence, I confirm the interim pre-arrest bail on the same terms and conditions except that the applicant-accused shall attend the concerned police station on every Thursday

between 6pm to 7pm for a period of two months or till filing of chargesheet, whichever is earlier.

5. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)