

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 432 OF 2016

Girijesh Khanai Yadav	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. U.V. Singh, Advocate for the applicant.
Mrs. P.P. Shinde, APP for the State.
Mr. Maruti D. Sawant, A.P.I., Kasarwadavli Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **11th March, 2016.**

P.C.:

This Application is moved by the applicant for anticipatory bail, as the applicant/accused is facing charges under sections 376, 506 of the Indian Penal Code in C.R. No. 311 of 2015 registered with Kasarwadavli Police Station. According to the prosecution, the applicant/accused raped her time to time from 3rd August, 2015 onwards by calling her on the pretext of massaging his mother. The prosecutrix is 29 years old married woman having three children.

2. The learned counsel for the applicant-accused has submitted that the applicant/accused is innocent. He has not committed any offence. The learned counsel further submitted that pursuant to the order dated 9th March, 2016 the applicant has attended the police station and cooperated the police.

3. Learned APP while opposing the Application has submitted that there is allegation of taking nude photograph of the prosecutrix and so the applicant should cooperate the police.

4. Perused the FIR. The prosecutrix is 29 years old married woman. Considering the allegations made by the prosecutrix, I am of the opinion that the custody of applicant/accused is not required. Hence, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) In the event of arrest, the applicant-accused shall be released on bail upon furnishing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- iii) The applicant-accused shall not tamper with the evidence.
- iv) The applicant/accused shall not contact the prosecutrix and shall not harass or threaten her in any manner.
- v) The applicant-accused shall not indulge into any criminal activity;
- vi) The applicant shall cooperate the Investigating officer and

shall attend the concerned police station on every Friday between 6 p.m. to 8 p.m. till the filing of the charge sheet.

vii) The applicant/accused shall not leave the State of Maharashtra without the permission of the Court.

viii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

5. The Application is disposed of on above terms.

(MRIDULA BHATKAR, J.)