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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.901 OF 2016

Sou. Pratibha Sawant Hegde	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Kedar J. Patil for the applicant.

Mrs.R.M. Gadhvi, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 10TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.141/2016 for offences punishable under section 419, 420, 504 and 506 of the Indian Penal registered at Shivaji Nagar Police Station, Kolhapur by this application is seeking pre-arrest bail.

2. Heard learned counsel appearing for the applicant as well as the learned APP appearing for the State. Learned APP argued that offences alleged against the applicant is serious in nature and, therefore, he is not entitled for pre-arrest bail.

3. Perused the F.I.R. Informant Sunita Sushant Dere had lodged report against Sushant Dere alleging that said Sushant had committed rape on her. According to the prosecution, the applicant thereafter contacted said Sunita and informed her that as per the Victim Compensation Scheme framed by the State Government called as "Manodhariya Yojana", she is entitled to compensation of Rs.50,000/-. According to the prosecution, the applicant told the informant Sunita that on payment of Rs.15,000/- she will process the matter for payment of compensation. F.I.R. reflects that informant Sunita paid Rs.5,000/- to the applicant. According to the informant, despite payment to the applicant, she has not received benefit of the compensatory scheme and that the applicant is insisting for payment of Rs.10,000/-.

4. Prima facie, it is seen that the applicant had demanded some amount from the informant in order to make claim on behalf of the informant for compensation from the said authorities. It can be said that the act on the part of informant in taking the amount for processing the claim of the informant may not be morally correct but prima facie the intention of cheating cannot be attributed to the applicant.

Considering the nature of averments in the F.I.R., the application deserves to be allowed and custodial interrogation of the applicant is not warranted. Hence the order :-

- (i) The application is allowed;
- (ii) Order 19th May, 2016 granting interim anticipatory bail is confirmed on the same terms and conditions;
- (iii) In additiona, the applicant / accused shall attend Investigating Officer as and when reasonably called.
- (iv) Applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against applicant so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (v) Applicant / accused shall inform his latest place of residence and cell number after his release and continue to inform the change in residence or cell number, if any, from time to time to the Investigating Officer of the concerned police station and on filing the charge-sheet to the concerned Court;
- (vi) Applicant / accused shall co-operate for expeditious

disposal of the trial;

- (vii) Applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission;
- (viii) Applicant / accused shall not leave India without the prior permission of the concerned Court;
- (ix) The application is disposed of accordingly.

(A.M.BADAR, J.)