

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1236 OF 2016

Pramit Gaurav Ashokkumar and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.Vinod R.Gupta for the applicant.

Mrs.Veera Shinde, APP for respondent-State.

Mr.R.A.Parkhe, PSI - Lonikand Police Station, Pune.

CORAM : A.M.BADAR, J.

DATED : 10TH AUGUST, 2016

P.C. :-

1. Three applicants, who are accused in Crime No.I-458/2016 for the offences punishable under section 376, 354, 504 and 506, read with 34 of the Indian Penal Code registered with Lonikand Police Station, District Pune by this application are praying for pre-arrest bail.

2. Heard the learned counsel for applicants as well as the learned APP for the State. The learned APP submits that the present applicants are not residents of Maharashtra and in

the event of they being released on anticipatory bail, they will not be available for further investigation as well as trial, if any.

3. Perused the F.I.R. lodged by the prosecutrix. She is a married lady having a son aged about 9 years. Her F.I.R. reveals that she is a resident of Pune. In June, 2013, she had some dispute with her husband. Main accused Mayank Panchal is stated to be her friend. She avers that he assured her of shelter at the time of dispute with her husband and, therefore, she joined the company of Mayank Panchal at Bangalore. According to the informant, she was subjected to rape by the main accused Mayank Panchal. The informant further stated that main accused Mayank Panchal used to say that he is having her nude photographs and by blackmailing her, he used to commit rape on her. The F.I.R. reveals that the prosecutrix used to visit Bangalore for meeting the main accused Mayank Panchal. The prosecution further stated that on 13th June, 2016 she was called at the flat of main accused Mayank Panchal at Pune. In that night, Mayank had raped her. On the next day morning, she found three applicants in that flat of main accused Mayank Panchal. As per the version of the prosecution, all three applicants laughed at her and told

her that as this is age of free sex, she should also consider them. According to the prosecution, these utterances of applicants annoyed her and at that time, main accused Mayank Panchal had taken the side of present applicants.

4. Considering the averments against applicants, prima facie, it appears that there was no assault or use of criminal force by them against the informant / prosecutrix. Prima facie, it is seen that offence which can be made out by such utterances is one punishable under section 509 of the Indian Penal Code, which is bailable one. In this view of the matter, the following order :-

- (i) The application is allowed;
- (ii) In the event of arrest, the applicant / accused in Crime No.I-458/2016 for the offences punishable under section 376, 354, 504 and 506, read with 34 of the Indian Penal Code registered with Lonikand Police Station, District Pune be released on bail on executing P.R. bond in the sum of Rs.40,000/- with one or more solvent surety in the like amount;

- (iii) As a condition of this order, applicants / accused shall attend Lonikand Police Station, District Pune on every fourth Sunday of the month between 11.00 a.m. to 1.00 p.m. till the filing of the charge-sheet and shall co-operate with the Investigating Officer;
- (iv) Applicants / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that they shall not tamper with the evidence;
- (v) Applicants / 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) Applicants / accused shall co-operate for expeditious

disposal of the trial;

(vii) Applicants / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;

(viii) The application is disposed of accordingly.

(A.M.BADAR, J.)

yu766