

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1138 OF 2017**

Haribhau Nivrutti Khade
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Rahul S. Kate for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

PN Mr. K. S. Channe, from Mhasvad Police Thane, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 14th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 98 of 2017 registered with the Mhasvad Police Station, for the alleged offences punishable under Section 376 of the Indian Penal Code.

3. Learned Counsel for the applicant submits, that the complainant aged 46 years, working with the police department as a Police Constable, has lodged a false complaint as against the applicant.

4. Learned A.P.P submits that as directed by this Court vide order dated 4th July, 2017, the applicant has reported to the Investigating Officer.

5. Perused the papers. The complainant is a police constable, aged 46 years. She has alleged that she had purchased a four-wheeler vehicle in the name of the applicant and had taken loan from a finance company. The said vehicle was purchased in the applicant's name, as the complainant was unable to purchase the same in her name, because she was in Government service. It was agreed that the said loan amount would be repaid by the complainant. As the complainant failed to repay the said loan amount, the finance company sold the vehicle for Rs.5,00,000/- and for the balance amount, initiated arbitration proceedings as against the applicant. It also appears that the applicant had filed the complaint to the SDPO, Vaduj on 24th October, 2016, stating therein, that the complainant had threatened to file a false complaint against him. The complainant, in her FIR, has

stated that the applicant sexually assaulted her in June, 2016, August, 2016 and March, 2017, pursuant to which, the police registered the aforesaid case, alleging an offence under Section 376 of the IPC. It also appears that investigation is almost complete.

6. In the peculiar facts of this case, custodial interrogation of the applicant is not necessary. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months, whichever is earlier;

(iii) The applicant shall not contact or attempt to influence the complainant, witnesses or any person concerned with the case.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.