

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1511 OF 2018

Ajit Ramu Rathod

...Applicant

V/s.

The State of Maharashtra

...Respondent

ALONGWITH

CRIMINAL APPLICATION NO. 963 OF 2018

IN

ANTICIPATORY BAIL APPLICATION NO. 1511 OF 2018

Kumari Gayatri Shivaji Chavan

...Applicant

Intervenor

IN THE MATTER BETWEEN :

Ajit Ramu Rathod

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. V.V. Purwant, Advocate for the applicant in ABA-1511-2018.

Mr. Avinash N. Naikwadi, Advocate for the Intervenor in APPP-963 of 2018.

Ms. M.H. Mhatre, APP for the State.

Coram : Sandeep K. Shinde, J.

Wednesday, 19th December, 2018.

P.C. :

1. It is an application under Section 438 of the Criminal Procedure Code, 1973. The applicant is apprehending his arrest in Crime No. 308 of 2018 registered at Vijapurnaka Police Station, Solapur for the offences punishable under Sections 366 and 376 read with Section 34 of the Indian Penal Code.

2. Heard learned Counsel for the applicant and learned APP for the State.

3. Heard the original complainant in Intervention Application No. 963 of 2018. Perused the complaint and the documents placed on record with the application. The complainant is major. It appears from the complaint that, she voluntarily submitted to the sexual advances with the

applicant-accused. That while granting the ad-interim relief, it has been observed that, “prima-facie it appears there were consensual sex between the applicant and the complainant and the complainant happens to be more than 19 years old.” After going through the complaint in entirety I have no reason to defer to hold any other opinion than as expressed in para-3 of the order dated 30th July, 2018 passed in this application.

4. The learned Counsel appearing for the Intervenor vehemently opposed the application and submitted that when the application for anticipatory bail was pending before the learned Sessions Court, the applicant had threatened the family members of the complainant to withdraw the complaint. He submitted a copy of the Affidavit of the complainant dated 9th July, 2018. He further submitted that this Affidavit was not brought to the notice of the Court when the applicant was granted

ad-interim relief on 30th July, 2018 because at the relevant time, he had not filed the Intervention Application.

5. I have perused the Affidavit of the complainant dated 9th July, 2018. The respondent, concerned Police Station is directed to look into the contents of the Affidavit and conduct an appropriate enquiry and arrive at a logical conclusion. If it is found in the enquiry that accused had threatened the family members of the complainant to withdraw the complaint, the concerned Investigating Officer may bring this fact to the notice of the Court for adopting appropriate remedies.

6. After going through the complaint, I am of the considered view that this is a fit case to grant bail. Hence, I pass the following order :

(I) In the event of the arrest of the applicant in Crime No. 308 of 2018 registered with Vijapurnaka Police Station, Solapur, the applicant is directed to

be released on executing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant is directed to attend Vijapurnaka Police Station on Monday from the week commencing from 24th December, 2018 between 11 to 2 p.m. for a period of two months and thereafter as and when called by the Investigating Officer until the chargesheet is filed.

(iii) The applicant shall not tamper the prosecution witness.

(iv) With the above directions, the application is disposed off.

(SANDEEP K. SHINDE, J)