

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.128 OF 2018

Rahul Manohar Kamble

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Uday P. Warunjikar for the Applicant in ABA/128 of 2018.

Mr. Rajan Salvi, APP for the Respondent -State.

Ms Rashmi Majwelkar I/b. Mr. Prashant M. Patil for the Applicant in
APPP/240/2018.

Mr. Nitin P. Dhobale, Police Constable, Karjat Police Station, Raigad,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th AUGUST, 2018.

P.C.:-

The Applicant herein has filed this application for anticipatory bail apprehending his arrest in C.R. No.218 of 2017 registered at Karjat Police Station, District-Raigad for offences punishable under Sections 376, 354(d), 504, 506, 507 and 509 of the IPC.

2. Heard Mr. Warunjikar, the learned counsel for the

Applicant, Mr. Rajan Salvi, the learned APP for the Respondent -State and Ms Rashmi Majwelkar, the learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The first informant /prosecutrix had lodged the FIR on 2nd October, 2017 alleging that since 25th September, 2017, the Applicant herein used to stalk her, threaten to kill her husband and son and tarnish her reputation. She had also alleged that the Applicant had outraged her modesty and threatened to rape her. Pursuant to the FIR lodged by the Intervenor, the aforesaid crime came to be registered for offences punishable under Sections 354(d), 504, 506, 507 and 509 of the IPC. The Applicant was arrested on 3rd October, 2017 and he was released on bail on 4th October, 2017.

4. On 8th January, 2018 the Intervenor gave a supplementary statement wherein she stated that in the month of February-2016 the Applicant herein had committed rape on her and that he had video recorded the same and threatened to circulate the said clip. She had stated that thereafter the Applicant had raped her several times under the threat of circulating the said video clip. In the light of the said

supplementary statement Section 376 of the IPC came to be added.

5. It is to be noted that the FIR dated 2nd October, 2017 is in respect of the incident committed between 25th September, 2017 to 2nd October, 2017. The alleged incident of rape is of the year February-2016. There is no mention of the said incident and /or of video recording and/or committing rape under the threats of circulating the said video clip in the FIR dated 2nd October, 2017. The allegations of rape have been made in the supplementary statement on 8th January, 2018 that was recorded about three months after registration of the crime.

6. It may be mentioned that while granting interim relief this Court had already observed that the statement of the Manager of the hotel, wherein the prosecutrix was allegedly raped has been recorded and the said statement reveals that the Manager had not observed any untoward or abnormal behaviour of the first informant. It is also observed that cell phone of the Applicant has already been seized and no images of the prosecutrix have been found.

7. Considering the above facts and circumstances, in my considered view this is not a case which would warrant custodial

interrogation.

8. Hence, the following order :-

- (a) The Application is allowed.
- (b) In the event of arrest of the Applicant in C.R. No.218 of 2017 registered at Karjat Police Station, District-Raigad, he shall be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount to the satisfaction of the concerned Investigation Officer.
- (c) The Applicant shall report to the concerned police station as and when required by the concerned Investigating Officer.
- (d) The Applicant shall not interfere with the victim or her family members in any manner.
- (e) The Applicant shall furnish his permanent as well as temporary address, if any and his contact details to the concerned Investigation Officer.
- (f) The Applicant shall not change is residence address without prior intimation to the Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)