

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

ANTICIPATORY BAIL APPLICATION NO.144 OF 2018

Dilip Sudam Naiknavre

... Applicant

Vs.

State of Maharashtra

... Respondent

Mr.Vijay Killedar for Applicant

Ms.Veera Shinde Addl.Public Prosecutor for State

Mr.V.S.Gaikwad PSI Chakan Police Station Pune

present

CORAM : P.N.DESHMUKH,, J.

DATE : 2ND APRIL, 2018.

P.C.:

This application is filed for anticipatory bail in crime Register no.1265 of 2017 registered at Chakan police station, Pune Rural under sections 354 (d) 504 of IPC.

2. The applicant is granted interim protection by this Court on 8.3.2018 and has admittedly attended the Investigating Officer as directed earlier. Learned counsel for the applicant referring to para 2 of the order dated 8.3.2018 submitted that as per the complainant, whatever she has stated earlier is not totally correct and true facts are stated in her report filed earlier.

3. In view of the above, as it was found there is some other document or statement of the complainant apart from her report dated 13.12.2017, the matter was adjourned for obtaining instructions on this aspect.

4. The learned Additional Public Prosecutor on instructions, makes a statement that prior to report dated 13.12.2017, the complainant had lodged a report against the applicant in respect of the incident dated 10.12.2017 at around 3.30 p.m. upon which a N.C.bearing No.2203 of 2017 is registered against the applicant. It is therefore, found that the complainant prior to lodging the report involved in this crime which is in respect of the incident dated 10.12.2017, has lodged a report on the same day in the night. However, in her complaint she had not alleged any act on the part of the applicant of outraging her modesty.

5 In that view of the matter, it is found that no such allegation of outraging her modesty were levelled against the applicant in her N.C. complaint dated 10.12.2017 but, had levelled such allegations against the applicant in her report dated 13.12.2017 in respect of the incident which is alleged to have

taken place on 10.12.2017.

6. Considering the facts as aforesaid, application is liable to be allowed as no custodial interrogation of the applicant is found necessary but, *prima facie* it is found that false allegations are made against the applicant as aforesaid.

7. In the circumstances, following order is passed:

ORDER

- (i) Interim order dated 8.3.2018 stands confirmed.
- (ii) The applicant shall attend the Investigating Officer if called till the filing of the charge sheet.

(P.N.DESHMUKH, J.)

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