

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 184 OF 2018
Sachin Lahu Patil vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Viny Bhopatro for the Applicant.

Mr. Ameet Palkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 31st January, 2018

P.C:

1. The applicant is apprehending arrest in CR No.76 of 2017 dated 14.4.2017 registered with Wada Police Station, Dist. Palghar under Section 376(1), 354, 506 read with 34 of the Indian Penal Code.

2. The first information report is lodged by Smt. Mayuri Lad aged about 26 years. It is the case of the prosecution that initially co-accused Ganesh Tare in December 2015 committed an offence as contemplated under Section 376 of the Indian Penal Code with the first informant. That, after the said fact came within the knowledge of other accused persons they, by threatening the first informant that she is having illicit relations with Mr. Ganesh Tare exploited the

situation and also committed the rape on her. Prima facie, it appears that there are about seven accused persons against whom the allegation of rape is made by black mailing the first informant. During the course of investigation, the police have arrested the other accused except the applicant. After completion of investigation the police have submitted submitted charge sheet on 30.6.2017.

3. The record indicates that at the time of submission of charge sheet the police neither filed an application under Section-173(8) of the Cr.P.C. nor filed an application under Section 82 of the Cr.P.C. for declaring the applicant as absconding.

After perusing the first information report and other material on record prima facie it appears that the act as alleged against the applicant under Section 376 of the Indian Penal Code was a consensual act between two adult persons and it appears that after the said relationship came to the knowledge of the family members of the first informant, the present crime is registered.

4. In view of the above, the applicant is entitled to be protected by pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No.76 of 2017 dated 14.4.2017

registered with Wada Police Station, Dist. Palghar, the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) The applicant shall attend the Investigating Officer between 10.00 a.m. to 1.00 p.m. and to join the process of investigation till the submission of the final report against him.

c) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)