

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

ANTICIPATORY BAIL APPLICATION No. 531 OF 2018

Mr. Namdev Gorakh Koli

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Rajaram Vaman Bansode for Applicant
Mr. Vinod Chate -APP
Mr. S.R. Bhise, Havaldar, Yavat Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JUNE 26, 2018

P.C.

1. Heard. This is an application under section 438 of the Criminal Procedure Code.
2. The Applicant herein is apprehending his arrest in Crime No. 187 of 2018 registered at Yavat Police Station, District Pune for the offences punishable under Section 376, 323, 504 and 506 of the Indian Penal Code.
3. By an order dated 19th March, 2018, the Applicant herein was granted interim protection. This Court had observed that upon considering the contents of the record, it appears that there was a consensual sex between the

complainant, who happens to be more than 30 years' old and a mother of a daughter, who is 14 years' old and son, who is 12 years' old. There is delay in lodging the FIR. The complainant has alleged that she was subjected to sexual abuse by the Applicant since two years prior to registration of the FIR and when she disclosed the same to her husband, they approached to the police station.

4. The learned counsel for the Applicant vehemently submits that in all probabilities the said act came to the light, therefore, the complainant had blamed the Applicant for the same.

5. For the reasons assigned in the order dated 19th March, 2018 and upon hearing the submissions advanced across the bar, this Court is of the opinion that the application for interim relief needs to be confirmed. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.
Bond of Rs.25,000/- and one or more solvent sureties in the like amount.

- (iii) The Applicant shall report to the concerned police station and co-operate with the investigating agency.

Anticipatory bail application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]