

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 790 OF 2018

Sharad Bhausahab Phand	.. Applicant.
Vs.	
The State of Maharashtra.	.. Respondent.

Mr.A.P. Mundargi, Sr. Counsel i/by Mr.Ravindra S. Pachundkar, for the Applicant.

Mr. Vinod Chate, APP for the Respondent.

Mr.Gore, PSI Ranjangaon MIDC Polise Ctation, Pune ®.

CORAM : P. N. DESHMUKH, J.

DATE : 20th APRIL, 2018.

P. C. :

1. Issue notice to respondent. Learned APP waives service of notice on behalf of State. Heard learned counsel for applicant and learned APP. Perused the case diary.
2. By this application applicant involved in Crime No. 51/2018 registered with Ranjangaon Police Station , District Pune under Section 376, 323 and 506 of Indian Penal Code has sought anticipatory bail. By consent of learned counsel for both sides, application is finally decided.
3. It is the case of applicant that he is falsely implicated and in fact complainant for the purpose of securing job on her own visited office of applicant and when she noted that there is no possibility of

providing job, falsely implicated applicant, as he committed rape upon her in his office and has therefore, submitted that application be allowed as applicant would make himself available for the purpose of investigation as and when called.

4. Learned APP opposed the application on the ground that there is direct evidence against the applicant establishing his involvement in the present crime from the evidence of prosecutrix and medical evidence. It is further contended that from the statement of witnesses, presence of applicant along with prosecutrix in his office at the material time is also established and has therefore, submitted that no case is made out for granting anticipatory bail.

5. Perusal of report lodged by prosecutrix in clear terms states that inspite of her resisting applicant, she could not resist him as he was physically heavier than her and on extending threats that if prosecutrix did not submit him, she would not secure job anywhere, sexually exploited her. From the statement of one of the friend of complainant, who had accompanied her to Ranjangaon, reveals that prosecutrix immediately disclosed her such incident implicating applicant, to have committed rape upon her. Similarly, case of prosecutrix since found substantially corroborated from the medical report wherein it is certified that applicant is subjected to vaginal penetration. Apart from above evidence there are also statements of

independent witnesses as well as from the office staff of applicant that applicant was alone present in the chamber when prosecutrix visited in his chamber as called by him on the day of incident.

5. Having considering available evidence as above, application is rejected.

[P. N. DESHMUKH , J.]