

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

ANTICIPATORY BAIL APPLICATION NO. 998 OF 2018

Raju Maruti Patil

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Anjali Awasthi for the Applicant.

Ms. J.S.Lohokare, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 21, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.59 of 2018 registered with Khalapur Police Station, for the offences under Section 376, 354, 506 of IPC.

2. Heard Ms. Awasthi, the learned Counsel for the applicant and Ms. Lohokare, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged

by the prosecutrix. The FIR prima facie reveals that the prosecutrix is a married lady, aged 25 years and that the applicant was known to her. The FIR prima facie reveals that the applicant and the first informant were having sexual relationship since the year 2016 and that the first information report was lodged only when the husband of the first informant had received a call from the applicant on phone of the prosecutrix and he came to know about their relationship. Prima facie, the relationship appears to be consensus. The nature of allegation does not justify custodial interrogation. Furthermore, the applicant is a police constable and permanent resident of Pen, District Raigad. Hence there are no chances of the applicant absconding or thwarting the course of justice.

4. Under the circumstances, and in view of the discussion supra, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the applicant in Crime No.59 of 2018 of registered at Khalapur Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount.
- (ii) The applicant shall report to the Investigating Officer for three

days from 3rd October, 2018, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The applicant shall not interfere with the complainant and the other witnesses in any manner.

(iv) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

Digitally signed
by Prasanna
Pradeep
Salgaonkar
Date:
2018.09.26
18:44:29 +0530

Prasanna
Pradeep
Salgaonkar

(ANUJA PRABHUDESSAI, J.)