

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

ANTICIPATORY BAIL APPLICATION NO. 1505 OF 2017

Raj Kaluram Rathod	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. Vaibhav G. Bagade for the applicant.
Mrs. G.P.Mulekar, APP for the Respondent-State.
Mr. Rajiv Whaval, Police Inspector is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 29th AUGUST, 2018.

P.C.

1. This is an application for anticipatory bail in connection with CR No. 45 of 2017 registered with Goregaon Police Station. The offences were registered under Section 376, 420, 328 of Indian Penal code.
2. By order dated 24th August, 2017, the applicant was granted interim protection with direction to report the Investigating Officer of the concerned Police Station on 31st August and 1st September, 2017 between 10 a.m. to 12 noon. The applicant was also directed to hand over his mobile phone alongwith sim-card to the Investigating Officer. Learned APP submits that the applicant has attended the police station and also handed over mobile phones to

the Investigation Officer alongwith sim-cards which are forwarded to forensic for opinion.

3. The grievance of the complainant is that she had parted the amount to the applicant accused who had promised her of production of film. However, the accused did not fulfill the promise. It is further alleged that the somewhere in 2014, the applicant accused had sexually assaulted the complainant. The FIR was lodged on 1st February, 2016.

4. Learned counsel for the applicant submitted that the applicant and prosecutrix were known to each other since 2009. Although, the complainant has alleged that she was sexually assaulted on 27th October, 2014, no allegations of rape were made as against the applicant till 1st February, 2016. He submits that even representation made to the Deputy Commissioner of Police and several other Authorities, pertains to cheating by the applicant and not of sexual assault. It is further submitted that there was some financial transactions and dispute on account of the same between the applicant and the complainant and hence as a counterblast to the same, false complaint has been lodged against the applicant. It is submitted that the applicant has co-operated with the investigation. Learned APP on instructions from the

Investigating officer submitted that the investigation is almost completed and chargesheet will be filed within two weeks from today. Considering the aforesaid circumstances, the interim protection granted by this Court deserves to be confirmed.

ORDER

- i) Anticipatory Bail Application No. 1505 of 2017 is allowed;
- ii) Interim order dated 24th August, 2017 is confirmed;
- iii) In the event of arrest of applicant in connection with CR No. 45 of 2017 registered with Goregaon Police Station, the applicant be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- iv) The applicant shall report the Investigating Officer of Goregaon Police Station as and when called for;
- v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- vi) Application stands disposed off.

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.09.01
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(PRAKASH D. NAIK, J.)