

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

ANTICIPATORY BAIL APPLICATION NO. 1722 OF 2018

Santosh Vitthal Shewale

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Saurabh Dongre for the Applicant.

Ms. Pallavi Dabholkar, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 06, 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. 236 of 2018 registered at Varje Malwadi Police Station for offences under Section 376(2)(n), 420, 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Dongre, the learned Counsel for the applicant and Ms. Dabholkar, 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 FIR prima facie indicates that the applicant and the prosecutrix, who is a married lady, were known to each other. They were in physical relationship since 2015. The prosecutrix had claimed that the applicant had taken her nude photographs in the year 2015 and had compelled her to have physical relationship with him under the threat that he would circulate the said photographs. It is to be noted that from the year 2015 till the time of lodging the complaint i.e. July 2018 the prosecutrix had not lodged a single complaint against the applicant for taking such objectionable pictures. On the contrary, the material on record prima facie reveals that on 22nd March, 2017 the prosecutrix had accompanied the applicant to Dagdu Sheth Ganpati Mandir, at Pune wherein he had put a Mangalsutra around her neck as a symbol of marriage. It appears that the prosecutrix had lodged the FIR only after her husband had seen her having physical relationship with the applicant and had thereafter refused to cohabit with her.

4. Considering the nature of the allegations leveled against the

applicant, in my considered view, there are no reasonable grounds to believe that the applicant is involved in committing the alleged offence. The applicant was granted interim bail by order dated 29th August, 2018. The learned Counsel for the applicant has stated that the applicant has already reported to the Investigating Officer and that he has been interrogated. The presence of the applicant is therefore not required for custodial interrogation. The applicant is a permanent resident of Pune and there are no chances of his absconding or thwarting the course of justice. There are no criminal antecedents against the applicant.

5. Considering the above facts and circumstances, in my considered view, this is a fit case for grant of anticipatory bail on certain terms and conditions, Hence the order.

- (i) In the event of arrest of the applicant in Crime No. 236 of 2018 registered at Varje Malwadi 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 provide his permanent as well as temporary

address, if any, and his contact details to the Investigating Officer;

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

(iv) The applicant shall not tamper with the evidence or interfere

with the complainant and the other witnesses in any manner.

**Prasanna
Pradeep
Salgaonkar**

Digitally signed by
Prasanna Pradeep
Salgaonkar

Date: 2018.10.09
18:28:08 +0530

(ANUJA PRABHUDESSAI, J.)