

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2205 OF 2018**

Samadhan Hari @ Haridas Jadhav ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Shantaram Tarale I/b. Geetanjali Shinde for the Applicant.
Ms. P.N.Dabholkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 24, 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. 342 of 2018 registered with Mohol Police Station, Solapur, for offences under Section 376, 354B, 354C, 306, 511 of IPC.

2. Heard Mr. Tarale, 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 dated 9th April, 2018 lodged by the prosecutrix. The prosecutrix is a married lady. She claims that on 9th April, 2018 at about 10.00 a.m. she had gone to the field to pluck tomatoes and that the applicant came near her and started mis-behaving with her and hence she consumed pesticide (predator). The first information report does not prima facie make out a case of rape or abetment within the meaning of Section 375 and 107 of IPC.

4. The records reveal that in the statement under Section 164 Cr.P.C. which was recorded after about two months from the date of the incident, the prosecutrix had for the first time claimed that the applicant herein had sexual intercourse with her. It is to be noted that the endorsement made by the doctor on the FIR prima facie reveals that as on the date the FIR was lodged, the prosecutrix was conscious, oriented, and was able to give proper statement. Prima facie there are no justifiable reasons for not making any allegation about rape in the first information report.

5. Considering the above facts and circumstances, in my considered view, this will be a fit case for grant of pre-arrest bail. Furthermore, the applicant is a permanent resident of Mohol, Solapur. There are no chances of his absconding or thwarting the course of justice. He has no criminal antecedents.

6. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No. 342 of 2018 registered with Mohol Police Station, Solapur, 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 four days from Monday 29th October, 2018, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation;

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

- (iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer;
- (v) The applicant shall not interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)