

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

ANTICIPATORY BAIL APPLICATION NO. 37 OF 2019

Govind Abasaheb Waghmare ... Applicant

Versus

State of Maharashtra ... Respondent

**WITH
CRIMINAL APPLICATION NO. 202 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 37 OF 2019**

Payal Shivaji Wakare ... Intervener

IN THE MATTER BETWEEN :

Govind Abasaheb Waghmare ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Ganesh Bhujbal for Applicant.
Mr. A. A. Palkar, APP for Respondent – State.
Mr. Ranjeeth Patil for Intervener.

**CORAM : NITIN W. SAMBRE, J.
DATE : FEBRUARY 14, 2019.**

P.C. :

. On 8th January 2019 this Court has granted ad-interim protection in favour of the Applicant.

2. The prosecution story which has resulted into registration of Crime No. 1438 of 2018 for an offence punishable under Sections 376, 504 and 506 of Indian Penal Code is based on an alleged incident of 27th January 2017, wherein it is claimed that the Applicant has committed sexual offence. The father of the complainant Payal Shivaji Wakhare has lodged a complaint against the Applicant resulting into the registration of NC No. 920 on 16th December 2018 for an incident of 12th December 2018.

3. As such, there was an occasion for the complainant or her father to narrate the incident of rape dated 27th January 2017 when they have approached to the Police.

4. In the backdrop of the fact that she has already disclosed the said incident to her father on 27th January 2017 as has been claimed in the FIR, in my opinion, having regard to the aforesaid fact a case of false implication cannot be ruled out.

5. As such, ad-interim protection granted earlier in favour of the Applicant is confirmed. In addition that –

- (A) In the event of arrest in Crime No. 1438 of 2018 for an offence punishable under Sections 376, 504 and 506 of Indian Penal Code, the Applicant be released on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (B) The Applicant shall attend the Investigating Officer on 18th, 21st, 26th and 28th February 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed by the Investigating Officer.
- (C) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
- (D) If it is noticed that the Applicant is indulging into the similar type of offence, viz – issuing threats to the complainant or her family members, prosecution is at liberty to move for cancellation of bail.
- (E) The Applicant shall not enter into the jurisdiction of the police station where the complainant and her family members resides.

6. Anticipatory Bail Application stands disposed of accordingly.

7. Since the Anticipatory Bail Application is disposed of, Criminal Application No. 202 of 2019 does not survive. Hence, the same stands disposed of accordingly.

(NITIN W. SAMBRE, J.)