

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

ANTICIPATORY BAIL APPLICATION NO. 138 OF 2019

Amit Nivrutti Malunje ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Jaydeep D. Mane for Applicant.

Ms. S. S. Kaushik, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 17, 2019.

P.C. :

. In Crime No. 248 of 2018 for an offence punishable under Section 376 of the Indian Penal Code, the Applicant – Police Head Constable, a public servant is seeking pre-arrest bail.

2. The complainant approached the Police station wherein the Applicant was posted, with complaint of adultery against her own husband. Same was given to the Applicant for enquiry as a Police Officer. Taking undue advantage of his position and the situation of complainant, the Applicant initially claimed to have established telephonic contact with

the complainant, thereafter started sending vulgar messages on Whatsapp and established physical relation.

3. There are specific allegations against the Applicant to the above referred extent. There is no statement in the Application that the Applicant was not in contact with the complainant as has been alleged in the complaint. That being so and in view of the reasons recorded by the learned Sessions Court while rejecting the prayer for grant of anticipatory bail, I hardly noticed any convincing reason to infer false implication of the Applicant in the crime in question.

4. As such, the Criminal Anticipatory Bail Application stands rejected.

(NITIN W. SAMBRE, J.)