

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 154 OF 2019

Prasad Ulhas Ratnaparkhi

...Applicant

V/s.

The State of Maharashtra

...Respondent

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Mr. Shriram S. Kulkarni i/b Devidas Jyotiram Jadhav, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the State-Respondent.

Ms. Rukmini Khairnar, Advocate for respondent No.1.

Ms. Jayshri R. Anawane, P.S.I., Bhadrakali Police Station, Nashik City.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th November 2019

PC :

1. This is an application for Anticipatory Bail in connection with C.R. No. 560 of 2018 registered with Bhadrakali Police Station, Nashik for offences punishable under Sections 376, 417, 384, 506, 509 r/w Section 120B of Indian Penal Code (for short "IPC")

2. The complaint was initially lodged at Sonarpur Police Station, Calcutta which was transferred to the aforesaid Police Station and is under investigation.

3. The statement of the victim/complainant was recorded by the Investigating Agency after the transfer of the case. It appears that the

victim, who is major lady, was acquainted with the applicant since childhood. she was also acquainted with the family of the applicant. Both of them were in relationship. There was physical relationship. The accused had promised that he would marry her. The applicant had clicked photographs in 2004. The victim was pregnant twice due to relationship with applicant. She had undergone abortion. He refused to marry. He was divorcee. The marriage could not be performed. Subsequently the victim got married with another person on 19th February, 2007. It is alleged that even after the marriage of the complainant, the accused forced her to keep relationship with him. The victim was threatened that objectionable photographs and video would be made viral, in the event, Victim doesn't accept the demands of the accused. Applicant had physical relationship with victim. The victim has child aged about 9 years. Accused took 7 lakhs from her husband. The investigation is still in progress. The applicant preferred an application for Anticipatory Bail before the Sessions Court. Said application was rejected. The co-accused Nalini Managat was however granted anticipatory bail by the Sessions Court.

4. Learned counsel for the applicant submitted that the complaint is false. The First Information Report itself indicates that the victim and the applicant were acquainted with each other since their

childhood. The learned counsel relied upon several documents in support of his submission. Reliance is also placed on the photographs which indicate the victim was like a family member of the applicant. She had participated in various functions. He also relied upon texts messages exchanged by the victim. It is submitted that the victim and applicant were friendly with each other since long. The allegations are after thought. The relationship was consensual.

5. The learned APP and Counsel for the intervener-complainant submitted that the statement of the complainant and documents on record shows that, there was promises of marriage which was not fulfilled. The victim was threatened that the objectionable photographs would be made viral. The evidence also discloses that the amount of Rs. 7 Lakhs was given parted to the applicant by the husband of the complainant. The offence is of serious nature. The custodial interrogation of applicant is necessary.

6. On perusal of the statement of the complainant dated 31st October, 2018, it is apparent that she was acquainted with the applicant since the year 2000. There was physical relationship between them. According to her pregnancy was terminated twice. She is married in the year 2007. It is also pertinent to note that, during the pendency of this application the applicant has produced

his mobile phone which was sent for data analysis to forensic science laboratory. Thus, the applicant cooperated with the investigation vide order dated 19th June 2019, prosecution was granted time to inquire into the text messages forwarded by the victim. In pursuance to that further statement of the victim has been recorded on 15th August 2019 which was pointed out by learned APP. In the said statement complainant was stated in February 2018 applicant had visited her house of Calcutta and physical relationship with her. He was blackmailing her. He told her to send messages tendering apology and that applicant is not at fault. In the said statement, the victim has assigned certain reasons for forwarding text messages even after her marriage. Thus, the acquaintance between parties from the year 2000 which is apparent from the statement of the complainant as well as the documents on record. Considering the aforesaid circumstances, custodial interrogation of the applicant is not required. The case for grant of anticipatory bail is made out.

7. Hence, I pass the following order.

ORDER

1. Criminal Anticipatory Bail Application No. 154 of 2019 is allowed.

2. In the event of arrest of the applicant in connection with C.R. No. 560 of 2018 registered with Bhadrakali Police Station, the applicant is directed to be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
3. The applicant shall not try to approach the complainant or any other witness.
4. The applicant shall report Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)