

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

ANTICIPATORY BAIL APPLICATION NO. 267 OF 2019

Ashwani Daulatram Vatnani ... Applicant

Vs.

State of Maharashtra ... Respondent

...

Mr. Santosh Bhamare for the applicant.

Mrs. G.P. Mulekar, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 30th JANUARY, 2019.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 3 of 2019 registered with Sanpada (Turbhe) Police Station for the offence punishable under Sections 376, 323, 506 of Indian Penal Code.

2. According to the complainant she was acquainted with the applicant as both of them working in the same school. She has parted some amount to the applicant on 20th November, 2018. Applicant/accused had forceful sexual intercourse with her. Complainant was however lodged on 10th January, 2019. Prior to the registration of FIR, the husband of the complainant had forwarded a legal notice through his advocate to the applicant alleging that applicant is having illicit relationship with his wife.

3. Learned APP submits that mobile phone of the applicant contains Video Clipping and therefore his presence is required at the police station for the purpose of interrogation.
4. Learned counsel for the applicant submits that he would provide cell phone to the Investigating Officer and would abide by any condition by reporting to the police station.
5. Considering factual aspects of the matter, custodial interrogation of the applicant is not necessary.

ORDER

- i. Anticipatory Bail Application No. 267 of 2019 is allowed;
- ii. In the event of arrest of the applicant in connection with CR No. 3 of 2019 registered with Sanpada (Turbhe) Police Station, the applicant be released on bail on furnishing PR Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- ii. Applicant shall report to the concerned Police Station on 6th February, 2019, 7th February, 2019, 8th February, 2019 and 9th February, 2019 between 11 a.m. to 1 p.m;
- iii. Applicant shall handover his mobile phone to the Investigating Officer for the purpose of investigation;
- iv. Applicant shall not tamper with the prosecution witnesses;
- v. Application stands disposed off.

(PRAKASH D. NAIK, J.)