

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

ANTICIPATORY BAIL APPLICATION NO.997 OF 2019

Shalmon Pradip Shinde

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Sachin R. Pawar, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.S.D. Nilpatreshwar, Chakan Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 27th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1125/17 registered with Chakan Police Station, Pune, under sections 376, 384, 506 of the Indian Penal Code.
2. The FIR is lodged by the prosecutrix. Though complete FIR is not annexed to this application during course of arguments, a copy of the FIR is produced before this Court, a

copy is given to the learned Counsel for the Applicant. In the FIR the prosecutrix has stated that she was residing at Chakan with her husband, son and daughter in the year 2016. In December 2016, the Applicant was present in a shop where the prosecutrix had gone to recharge her mobile account. Apparently the Applicant kept watch and took her mobile number. The Applicant called her on her mobile phone. He started sending messages to her. The prosecutrix discouraged him. On one occasion he came to her house when her husband was not in the house. The prosecutrix asked him to leave. Again on one more occasion, he came to her house when her husband was attending his night shift. At that time, the Applicant gave some intoxicating substance to her. When the prosecutrix was feeling giddy and lost her consciousness, he committed rape on her. He told her that he had videographed the incident and started blackmailing her. On those threats he had physical relations with her. The prosecutrix was scared and did not inform this to anybody. The Applicant started extorting money from her. In March 2017 her son was abducted. He was found on

06/04/2017. Getting fed up with constant harassment, the prosecutrix and her family left Chakan and started residing at Thane. At Thane she gathered courage and lodged her FIR in respect of offence committed by the Applicant.

3. Heard learned Counsel Mr.Sachin R. Pawar for the Applicant and learned APP Ms.S.S. Kaushik for the State.
4. Learned Counsel for the Applicant submitted that the story in the FIR is not believable. The allegations themselves pointed out that if at all there was sexual relationship between prosecutrix and the Applicant, it was consensual. He submitted that the present Applicant is falsely implicated. The alleged incident had taken place from December 2016 to April 2017 and there is inordinate delay in lodging the FIR, which has remained unexplained. He therefore submitted that custodial interrogation of the Applicant is not necessary.
5. Learned APP submitted that in the FIR, the prosecutrix had explained as to why the FIR was lodged belatedly. Only

after her family had left Chakan, she gathered courage and then after a few months she lodged this FIR. Learned APP produced the papers of investigation before me.

6. I have considered these submissions. I have perused the investigation papers. During the course of investigation, the statement of prosecutrix u/s 164 of Cr.P.C. was recorded. In that statement she has reiterated the same story as mentioned in the FIR. In the supplementary statement recorded u/s 161 of Cr.P.C. she had given details of all the amounts paid by her to the Applicant. This shows that the Applicant was extorting money from her. The husband's statement also supports her version about using the money which was kept in the house. There is statement of one Jitendra Khandagale who has stated that in February 2017 the prosecutrix had requested for Rs.30,000/-. Though he has stated that the prosecutrix had also obtained money from him in October 2016 i.e. prior to the alleged incident in this case, the fact remains that even in February she obtained money. It is the case of prosecutrix that that amount

was utilized for making payment to the Applicant. Thus, at this stage, there is sufficient material against the present Applicant to show his complicity. The offence is very serious. Though there is delay in lodging the FIR, the interrogation of the Applicant is necessary. In this view of the matter, no case for grant of anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)