

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

ANTICIPATORY BAIL APPLICATION NO. 1242 OF 2019

Sunil Arde

.... Applicant

Versus

The State of Maharashtra

.... Respondent

- Ms. Swapana P. Kode, Advocate for applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr. P. S. Mane, PSI, Shikrapur Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 49 of 2019 registered with Shikrapur Police Station, under sections 387, 504, 506 and 507 r/w. 34 of the Indian Penal Code.

2. The FIR in this case is lodged by the first informant on 21/01/2018. In the FIR she has mentioned that one Ashish Kamathe had committed rape on her on 28/11/2017, for which she had lodged her complaint with Hadapsar police station vide

C.R.No. I 23 of 2018. It is her case that on 13/01/2018 the present applicant called her and threatened her to withdraw the complaint lodged against Ashish Kamathe. The present applicant is maternal uncle i.e. Brother of Ashish's mother Anita. In the FIR it is further mentioned that on 19/01/2018 the first informant received a envelope containing a chit and two objectionable photographs. The tenor of chit was in the nature of threats. It was mentioned in the chit that the present applicant would come to Vaishali Hotel to collect Rs.10 lakhs. Based on this allegation, the FIR was lodged.

3. Heard Ms. Swapana Kode, learned counsel for the applicant and Shri. S. R. Agarkar, learned APP for the State.

4. Learned counsel Ms. Swapana Kode for the applicant submitted that the first informant has not stated correct facts in her FIR. She invited my attention to the photographs attached to this application which show that the aforementioned Ashish and first informant had got married and had close relations, therefore, the very premises of lodging this FIR is false. She further submitted that in any case there is hardly any role attributed to the present applicant, except, one alleged phone call made in the month of

January, 2018.

5. Learned APP produced a copy of the chit. From the contents of chit it is clear that it was apparently written by Ashish's mother and not by the present applicant. However, it was mentioned in the chit that present applicant was to come to collect the amount. The applicant himself does not seem to have written any chit. Considering the suppression of important facts of first informant's relation with Ashish from the FIR and considering the much lesser role attributed to the present applicant, it is doubtful whether the applicant is involved in the present offence, as alleged by the first informant. The investigation can go on and the applicant can be directed to co-operate with the investigation. For this purpose the custodial interrogation, in the facts of this case, is not necessary.

6. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.I 49 of 2019 registered with Shikrapur Police Station, Pune, the applicant is directed to be released on bail on his furnishing PR bond in the

sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) The applicant shall attend the concerned Police Station from 01/07/2019 to 07/07/2019 between 03.00 p.m. to 05.00 p.m.
- (iii) The applicant shall co-operate fully with the investigation.
- (iv) The applicant shall attend the concerned police station after 07/07/2019 as and when called for.
- (v) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)