

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1767 OF 2019

Vilas Ashroba Fasate] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Samyak Gimekar i/b Mr. Abhijit Nimkar, Advocate for the Applicant.

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

PSI Yadav attached to Yavat Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.358/2019 registered with Yavat Police Station, District Pune Rural u/sec. 354 B, 506, 452 of I.P.C. and u/sec. 66 (E), 67 of the Information Technology Act. Subsequently, Section 376 of I.P.C. is also added.

2. The FIR is lodged on 25/04/2019 by the prosecutrix. She has stated in her FIR that, she was residing with her husband and 13 years

old son. About three years before lodging of the FIR, she came in contact with the present applicant. The FIR indicates that, they developed close friendship. She has further mentioned in the FIR that, on one occasion the applicant took her to a temple and had clicked some photographs. In January 2019, the prosecutrix had come to reside at Suvastu Building. In February 2019, the applicant came to her house. It is alleged in the FIR that, he forcibly took some obscene photographs. Thereafter, he started blackmailing the prosecutrix on the basis of these photographs. He threatened that he would make these photographs viral. She has further stated in her FIR that, on 18/04/2019 the applicant sent some photographs on a social networking site to the prosecutrix's husband. The applicant was continuously threatening her. The prosecutrix came to know that, the applicant had sent these photographs on a group on the social networking site. Ultimately, the prosecutrix lodged her FIR.

3. Heard Mr. Samyak Gimekar, Ld. Counsel for the Applicant and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, initially the offence was registered only u/sec. 354 A, 354 B of I.P.C. The applicant was

arrested and was released on bail on 17/05/2019. Thereafter, the supplementary statement of the prosecutrix was recorded on 31/05/2019 wherein for the first time, the prosecutrix made allegations of commission of rape. He therefore submitted that, the entire prosecution story is false. The applicant was already released on bail in this connection. He is ready to co-operate with the investigation. He is ready to undergo medical examination and therefore his custodial interrogation is not necessary.

5. As against these submissions, Ld. APP pointed out that, looking to the nature of allegations, it is not unnatural that the prosecutrix would be reluctant to come forward with allegations of rape. However, her statements are recorded subsequently i.e. on 31/05/2019 as well as on 19/07/2019. The latter statement was recorded u/sec. 164 of Cr. P.C., wherein she has clearly mentioned about the allegations of commission of rape and threats of publishing these photographs.

6. I have considered all these submissions. Even assuming that, the prosecutrix and the applicant was having love affair, the act of the applicant cannot be said to be innocuous. He had actually sent these

photographs to her husband and had even published them on a group. The statements to that effect are already recorded by the investigating agency. Moreover, her allegations about rape are consistent in her supplementary statements. In this view of the matter, the offence is quite serious and I am not inclined to grant anticipatory bail to the applicant. The applicant's custodial interrogation is necessary. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)