

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2220 OF 2019

Avinash Pandurang Marke

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Shivraj R. Patil, Advocate for the Applicant.

Mr. Prashant Jadhav, APP, for the Respondent-State.

....

CORAM : SARANG V. KOTWAL, J.

DATE : 16th OCTOBER, 2019

P.C.

1. The applicant is seeking anticipatory bail in connection with C.R. No.364/2015 registered on 16.7.2015 at Hadapsar Police Station under Section 376, 354D of I.P.C. and Sections 67 and 67A of Information Technology Act.

2. The FIR is lodged on 15.7.2015 by the prosecutrix herself. She has stated in her FIR that in the year 2012, she got acquainted with the applicant. He proposed marriage to her but subsequently did not take any steps towards that. In July, 2013, he told the prosecutrix that he had collected her photographs from a social networking site and he had prepared obscene photographs

from them. He threatened to put them on internet. He called her to a flat to collect those photographs from him. When she went there to collect the photographs, he forcefully committed rape on her and even recorded the act in the mobile phone. Subsequently, he told her that he had destroyed the recording and suggested that she should forget about the entire episode. Thereafter she got engaged to get married. The applicant again approached her and on some pretext took her to his house and again committed rape and again threatened her. He started extracting money using her credit cards. He continued threatening her by telling her that he would inform her husband and his family. Getting fed up, she ultimately lodged her FIR.

3. I have heard Shri Shivraj Patil, learned counsel for the applicant and Shri Prashant Jadhav, learned A.P.P for the State.

4. Learned Counsel for the applicant states that the charge-sheet in this case is already filed and the applicant is shown as an absconding accused. He fairly pointed out that the prosecutrix has then since committed suicide, but, in that case the prosecution is launched against the family of her husband. He

submitted that there are indications in the FIR that there was consensual relations and no threats were issued.

5. Learned A.P.P. opposed this application and submitted that it was a very serious case.

6. I have considered all these submissions. The FIR was lodged in the year 2015 and since then the applicant was not available. The applicant's anticipatory bail application was rejected by the Court of Sessions in the year 2015 itself. Thereafter he has taken no steps to seek any protection from any other Court. He has not made himself available for interrogation as well. He was absconding for about four years. The FIR clearly spells out the case of rape against him. The offence is very serious. Ultimately the deceased had committed suicide. Considering the background of this case and allegations in the FIR, I am not inclined to grant anticipatory bail to the applicant. Hence, application is rejected.

(SARANG V. KOTWAL, J.)