

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

ANTICIPATORY BAIL APPLICATION NO.2344 OF 2019

Dipesh Dinesh Kumar Jain	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.S.V. Marwadi i/b. Narayanganesh M. Nadar, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd OCTOBER, 2019

P.C. :

1. The Applicant has filed this application with specific prayer that during pendency and final disposal of Anticipatory Bail Application No.231/19 pending before the Court of Sessions at Alibaug, in respect of C.R.No.374/19 dated 15/10/2019 registered at Kharghar Police Station, the Applicant be granted interim protection in the nature of anticipatory bail.

2. The FIR is lodged by the prosecutrix herself on 15/10/2019 on the allegations that the Applicant had

committed rape on her on 10/09/2019 at her workplace at Kharghar at about 07.30 p.m. The allegations in the FIR are undoubtedly serious. However, the learned Counsel for the Applicant states that the Applicant was in other branch of their office at Nerul. This incident had allegedly taken place at Kharghar Branch.

3. Heard learned Counsel Mr.S.V. Marwadi for the Applicant and learned APP Ms.S.S. Kaushik for the State.
4. Mr.Marwadi, learned Counsel for the Applicant submitted that he has proof to show that he was at Nerul. However he is unable to show that proof to the police because he is apprehending his arrest.
5. The Applicant has already preferred Anticipatory Bail Application No.231/19 before the Court of Sessions, at Alibaug. Learned Additional Sessions Judge has simply issued notice to APP and the Investigating Officer returnable on 08/11/2019. No further observations were made in respect of merits of the

matter and no reasons are given as to why interim protection was not granted.

6. Considering these submissions and the allegations in the FIR it will be appropriate if the learned Additional Sessions Judge, Alibaug, decides the Anticipatory Bail Application No.231/19 on its own merits. However, the matter is now placed before that Court on 08/11/2019 and in the meantime, if the Applicant is arrested, his Anticipatory Bail Application would become infructuous. As submitted by learned Counsel for the Applicant, he has strong case of alibi as well, which can be shown to the police in the meantime. Therefore I am inclined to grant limited relief as asked by the Applicant. Hence, the following order :

ORDER

- (i) During hearing and final disposal of Anticipatory Bail Application No.231/19, pending before the Additional Sessions Judge, Alibaug, in the event of his arrest, 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 on every alternate day and shall cooperate with the investigation.
- (iii) The Applicant shall furnish proof of his alibi, in the meantime.
- (iv) The learned Additional Sessions Judge shall decide the Anticipatory Bail Application No.231/19 pending before him, without being influenced by this order on its own merits.
- (v) Parties to act on authenticated copy of this order.
- (vi) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)