

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

ANTICIPATORY BAIL APPLICATION NO.202 OF 2020

Naresh Shiva Ramjee HamilpurkarApplicant

V/s.

The State of MaharashtraRespondent

Mr. Vikrant V. Phatate, for the Applicant.

Smt. Veera Shinde, APP for the Respondent- State.

API, B. H. Patil, vijapur naka Police Station, District- Solapur City present.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January, 2020

P.C.:

1. This is an application for Anticipatory Bail in connection with C.R.No.1194 of 2019, registered with Faujdar Chawdi Police Station, Solapur, for offences punishable under Sections 376 and 506 of Indian Penal Code. The First Information Report ('FIR' for short) was lodged on 04th November 2019.

2. The victim is aged about 44 year. She had commenced her business as architect artist. She got acquainted with the applicant in connection with the business. The applicant is an artist. He represented her that, he would like to start academy where she will be appointed as a Secretary. In connection with the business, he

told the victim to give Rs.15,000/-. They decided to meet at Solapur. Since the relative of the victim is resident of Solapur, she agreed to visit Solapur. The applicant took her to a lodge under the pretext that, they will book the lodge only for short time for getting fresh. This incident had occurred on 01st November 2019. It is alleged that, the accused had forcible intercourse with the victim.

3. Learned counsel for the applicant submitted that the FIR is false. The relationship if any, is consensual. Both the parties were acquainted with each other. The applicant is aged about 57 year. He has been falsely implicated in this case on account of differences between them.

4. Learned APP brought to my notice, the statement of the victim recorded under Section 164 of the Cr.P.C. The said statement indicates that, the victim and the applicant had visited the lodge. Formalities about admission into the lodge were completed. They entered into room. Then the victim changed her cloths and the accused had alleged sexual intercourse with her. Then she consumed contraceptive pills. She gave call to some persons and again in the evening at 7:30 p.m she went to lodge.

5. Considering the version of the victim reflected in the statement under Section 164 of the Cr.P.C, the applicant need not be subjected to custodial interrogation. Hence, considering the facts, protection under Section 438 of the Cr.P.C can be granted to the applicant.

ORDER

- (i) Anticipatory Bail Application No. 202 of 2020 is allowed.
- (ii) In the event of the arrest of the Applicant in connection with C.R.No.1194 of 2019, registered with Faujdar Chawdi Police Station, Solapur, the Applicant be released on bail on his executing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) Applicant shall report to the Investigating Officer on 30th, 31st January and 3rd February of 2020 between 11:00 a.m. to 12:00 noon. The Applicant shall cooperate with the investigation.
- (iv) Anticipatory Bail Application No.202 of 2020 stands disposed of.

(PRAKASH D. NAIK, J.)