

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 261 OF 2020

1. Rahul Bharat Bangar
2. Sanjay Namdev Sanap ...Applicants

Versus

The State of Maharashtra ...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 265 OF 2020**

Abasaheb Maharudra Jadhavar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarda i/b Sachin T. Zalte, Advocate for the Applicants in both Anticipatory Bail Applications.

Ms. Pallavi N. Dabolkar, APP for the State-Respondent in Anticipatory Bail Application No. 261 of 2020.

Smt. A. A. Takalkar, APP for the State-Respondent in Anticipatory Bail Application No. 265 of 2020.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th January, 2020

PC :

1. The applicants in both these applications are apprehending arrest in connection with C.R. No. 885 of 2019 registered with Barshi City Police Station, Dist. Solapur Rural for offences punishable under Sections 376, 354, 506 r/w Section 34 of Indian Penal Code. The FIR

was lodged on 7th December, 2019.

2. The case of the prosecution appearing from the complainant is that the complainant were divorced by her husband in 2001. She was residing at Barshi with younger son. Elder son is residing with her daughter and studying at Mumbai. In 2002 the complainant had visited religious places and returned home in late night. The applicant in Anticipatory Bail Application No. 265 of 2020 was driver of the truck in which the complainant and her friends travelled to religious places. The said accused dropped all the persons to their residence. While he was dropping the complainant at home he took the vehicle to some other place. Taking advantage of darkness he committed sexual intercourse with the complainant. She did not inform about the incident to any person. The accused used to visit her house frequently and had physical relationship. She transferred her residential house in the name of the applicant on 6th June, 2016. The accused also demanded sexual favours with daughter-in-law of the complainant. The complainant was threatened and assaulted by accused. Complainant purchased property in the name of Sanjay Sanap (applicant No.2 in Anticipatory Bail Application No. 261 of 2020). The applicants Rahul Bangar and Sanjay Sanap visiting the house of the complainant. The accused demanded sexual favours. The accused Abasaheb Jadhavar had clicked photograph and video

recording while he was having physical relationship with her. He threatened that the photograph would be made viral as the video recording also shown to one of the lady. Subsequently, the FIR was lodged on 7th December, 2019.

3. The applicants preferred an application for anticipatory bail before the Sessions Court which were rejected.

4. Learned Counsel for the applicants submitted that there is inordinate delay in lodging the FIR. The complaint itself indicate that there was physical relationship between the accused No.1 and the complainant since 2002. The FIR has been lodged after a period of about 17 years. The allegations about clicking photographs recording the video are false. The applicants in Anticipatory Bail Application No. 261 of 2020 are not attributed any role of sexual assault.

5. Learned APP submitted that there are specific allegations against the applicants in both these applications. The accused No.1 Abasaheb Jadhavar had video recorded the incident of sexual relationship. It was shown to one of the lady. The statement of the lady was recorded on 19th December, 2018. The cell phone of the accused is required to be taken into custody for the purpose of investigation.

6. Having heard both the sides. Perused the documents on record

and investigation papers. The FIR was lodged belatedly after period of about 17 years from the date of alleged relationship. The accused No.1 Abasaheb Jadhavar was acquainted with the complainant as stipulated in the FIR in 2002. As per version of the complainant there was physical relationship on several occasions. It is also alleged that the property which was transferred in the name of the accused No.1 was sold by him to the co-accused. The statement of the witness to whom video recording was shown as alleged by the complainant was recorded on 9th December, 2019. The said witnesses have stated that video recording was shown to the witness in June, 2019, six months prior to the recording of statement. The complainant has not referred to the period when such recording was done. Assuming that the video recording was done in June, 2019 there was no complaint from the complainant till December, 2019. Learned Counsel for the applicant has also pointed out that the photographs between the complainant and the applicants Abasaheb Jadhavar shows that they were in relationship for a long time.

7. Learned APP submitted that the complainant was threatened by the accused No.1 on 25th December, 2019 and N.C. complaint has been registered in that regard. Learned counsel for the applicants however countered that the N.C. complaint was lodged after the applicants had preferred applications for anticipatory bail.

8. Considering the factual matrix of this case custodial interrogation of the applicants is not necessary. The applicants can be directed to cooperate with the investigation.

9. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application Nos. 261 of 2020 and 265 of 2020 are allowed;
- ii) In the event of arrest of applicants in C.R. No. 885 of 2019 registered with Barshi City Police Station, Dist. Solapur Rural the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, each with one or more sureties in the like amount;
- iii) The applicants shall report to Investigating Officer on 5th 6th & 7th February, 2020 between 11.00 a.m. to 1.00 p.m.
- iv) Applicant Abasaheb Jadhavar shall handover his cell phone to the Investigating Officer for the purpose of investigation.
- v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)