

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 582 OF 2020

Manish Deendayal Sharma ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Ajinkya A. Badar, Advocate for the Applicant.
Smt. Rutuja Ambekar, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.
DATE : 11th MARCH, 2020

PC :

1. The applicant is apprehending arrest in C.R. No. I-20 of 2020 registered with Versova Police Station for the offences punishable under Sections 323, 327, 504, 506, 376, 377, 406 r/w Section 34 of Indian Penal Code.
2. The FIR was lodged on 15th January, 2020 by the complainant/victim lady aged about 30 years. It is alleged that she was acquainted with accused No.1. They were in relationship. They stayed together for long time. However, accused No.1 had subjected her to ill treatment. She was assaulted. It is further alleged that somewhere in November, 2018, the applicant had visited there premises and stayed therein with them. While the complainant was sleeping he touched

her inappropriately and put his hand in under garment and inserted his fingers in private part. The accused No.1 was instigated him to rape complainant. The accused No.1 continued ill-treat the complainant and therefore she lodged the FIR on 15th January, 2020. From the tenor of the FIR it appears that the grievance of the complainant is mainly against accused No.1. She was in relationship with her. Since July, 2018 they were living together.

3. The alleged incident qua applicant had occurred in November, 2018 and the FIR was lodged in January, 2020.

4. Learned APP however submitted that the accused No.1 is absconding. The statement of the victim recorded under Section 161 as well as 164 of Cr.P.C. attributed specific overt act to the applicant. The offence under Section 376 qua applicant is made out.

5. The accused No.1 is a lady. Both of them stayed together. Accused No.1 and the complainant stayed together for long time. There is delay in lodging FIR. The applicant had allegedly sexually assaulted her in November, 2018. Considering the nature of allegations and the facts stated herein, the applicant need not be subjected to custodial interrogation. He can be directed to cooperate with the investigation.

6. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 582 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. I-20 of 2020 registered with Versova Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs. 25000/-, with one or more local sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 16th, 17th & 18th March, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)