

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.573 OF 2021

Rahul Prakash Ghuge	Applicant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION NO.1198 OF 2021

Mrs.Mona @ Bavita Tarun Surve	Intervenor
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In the matter between :

Rahul Prakash Ghuge	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Shadab Khopkar i/by Mr.Subodh Pathak for applicant.

Ms.Anamika Malhotra, APP, for State.
Mr.R.Sathyanarayanan for intervenor.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th April 2021

PC :

1. This is an application for anticipatory bail in connection with FIR registered with Borivali Police Station in CR No.00 of 2021 on 16th January 2020 which was subsequently transferred to Gorai Police Station vide CR No.03 of 2021 on 17th January 2021 for offences under Sections 376(2)(n) and 506 of Indian Penal Code.

2. The complainant is lady aged about 36 years. She has alleged

that since 2016 she was acquainted with the applicant. There was friendship between them. In October-2018 the complainant was given soft drink and after consuming she felt dizziness. She was taken to room and subjected to sexual assault. Subsequently in October-2020 there was physical relationship. On 14th January 2021 the applicant called her and threatened that photographs in his mobile phone will be sent to her husband.

3. Learned APP submitted that the complainant was threatened by the applicant and he establishes physical relationship with her. Investigation is in progress.

4. The applicant was granted interim protection vide order dated 5th March 2021 with direction to appear before Investigating Officer and co-operate with investigation. The applicant was also directed to hand over cell phone to the Investigating Officer.

5. Learned counsel for applicant, on instructions, submits that the applicant has complied the directions stipulated in interim order dated 5th March 2021. The applicant has surrendered his cell phone to the Investigating Officer. Learned counsel for intervenor, however, submits that he has instructions that the applicant is having three cell phones with him. The said submission is disputed by learned advocate for applicant. The FIR does not refer to use of three cell phones by applicant. The statement of learned counsel for applicant that he has surrendered cell phone to the Investigating Officer is accepted. Considering the aforesaid circumstances custodial interrogation of applicant is not necessary. Interim order passed by this Court can be confirmed. Hence, I pass following order :

ORDER

- (i) Interim order dated 5th March 2021 is confirmed;
- (ii) In the event of arrest of applicant in connection with CR No.03 of 2021 registered with Gorai Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Gorai Police Station as and when called for till filing of charge sheet;
- (iv) Anticipatory Bail Application is disposed of.

(PRAKASH D. NAIK, J.)

MST