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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 675 OF 2021**

SACHIN SAHEBRAO CHATUR

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Imran Shaikh advocate for the Applicant

Mr. A. R. Kapadnis APP for the State

Ms. Simantini Mohite for original complainant

Mr. Shankar Patil, PSI, Bhoiwada Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: 8th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 17/2021 registered with Bhoiwada Police Station for offence punishable under Sections 376(2)(n), 377, 420, 504, 323 of the Indian Penal Code.

2] The case of the prosecution is, complainant/victim was employed with the applicant in police department and during training, they developed intimacy.

3] Applicant, under the pretext of promise to marry, sexually exploited her resulting into registration of crime.

4] Submissions of learned counsel for the applicant are, earlier marriage of applicant was well within knowledge of the complainant, as material on record justifies the aforesaid fact. According to him, as it was within the knowledge of complainant that applicant is already married, victim, on her own established the relation and that being so, relation between the parties were consensual. As such, applicant is entitled for protection being a public servant.

5] Learned APP opposed the prayer and submits that there is enough material on record to infer prima facie involvement of the applicant in the crime in question.

6] Considered submissions.

7] The fact that applicant has established contact with the victim girl could be inferred from the very contents of the complaint. Applicant, who is employee with the police department appears to have been taken undue advantage of his position therein and established physical relation with the victim girl and exploited her

under the promise of marriage.

8] Though the learned counsel for the applicant has invited attention of this Court to complaint lodged to the police station about the threat issued by the victim and also Whats-app chat between wife of the applicant and the victim, same cannot be considered to the benefit of the applicant as complaint lodged by the applicant appears to be at quite belated stage when the applicant got exposed i.e. having been already married still established the relation with the complainant. The Whats-app chat I am informed is also post exposure of applicant about is marital status so as to confirm his said status i.e. of already married.

9] As such, there is sufficient material on record wherein it could be prima facie inferred that applicant is involved in a serious offence. Application as such fails, stands rejected.

[NITIN W. SAMBRE, J.]