

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2860 OF 2022

Ramchandra Bhivaji Nagade ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Shankar Katkar instructed by Ms. Manisha Devkar for the Applicant.
Ms. P.P. Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 14 OCTOBER 2022

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.170 of 2022 registered at Gokul Shirgaon Police Station, Kolhapur for the offence punishable under Sections 376(2)(n), 506 r/w. 34 of Indian Penal Code and Sections 39 and 45 of the Maharashtra Money Lending Act.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The learned Counsel for the applicant has tendered on record a copy of the order passed by this Court dated 10th October 2022 in Anticipatory Bail Application No.2726 of 2022. By the said order, this

Court granted anticipatory bail to the co-accused Sunil Deepak Patil, and while granting anticipatory bail, this Court has observed :

“5. On perusal of the documents on record, it is apparent that the complainant has referred to the old incident. She was allegedly subjected to physical relationship initially in 2018. Subsequent on several occasion. The victim was subjected to physical relationship. The FIR has been registered on 26th August, 2022. Looking into the nature of applicant. Applicant need not be subjected to custody. They can be directed to cooperate with Investigation.”

5. The allegations of rape are against the co-accused Anil Patil and Sunil Patil and not against the present applicant. Considering the fact that this Court has released co-accused Sunil Patil on anticipatory bail against whom there are allegation of rape, I have no option except to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest, the applicant - Ramchandra Bhivaji Nagade in Crime No.170 of 2022 registered at Gokul Shirgaon Police Station, Kolhapur for the offence punishable under Sections 376(2)(n), 506 r/w. 34 of Indian Penal Code and Sections 39 and 45 of the Maharashtra Money Lending Act, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned police station on every alternate day from 17th October 2022 between 11.00 a.m. to 2.00 p.m. for the period of two weeks and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)