

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.115 OF 2022

Sameer Sunil Gaikwad
(As per FIR Sameer Bandutaty Gaikwad) ...Applicant
Vs.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.519 OF 2022
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.115 OF 2022**

Ravi Vishal Lonkar ...Applicant
(Intervenor)

IN THE MATTER BETWEEN

Sameer Sunil Gaikwad
(As per FIR Sameer Bandutaty Gaikwad) ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Hrishikesh Ghorpade for the Applicant.
Mr.S.R. Agarkar, for the Respondent-State.
Mr.Veerdhawal Deshmukh for Respondent No.2.

CORAM : C.V. BHADANG, J.

DATE : 14 FEBRUARY 2022

P.C.

. Heard learned counsel for the parties.

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2. The learned counsel for the Applicant has pointed out the statement dated 27 December 2021 of the prosecutrix who is a lady aged about 32 years and report resubmitted by the Police Sub Inspector, Mundhwa Police Station in which the informant has withdrawn all the allegations against the Applicant. *Prima facie* it appears that in the first complaint lodged on 24 December 2021 the victim had only made allegations of the Applicant outraging her modesty. There are no allegations of an offence under Section 376 of the Indian Penal Code made in the complaint dated 24 December 2021. These allegations are made for the first time only in the complaint lodged on 29 December 2021. *Prima facie* it appears that in the interregnum the informant had also withdrawn the allegations.

3. The learned Additional Public Prosecutor has submitted that the investigation is almost complete. It is submitted that therefore appropriate orders as may be just and necessary may be passed.

4. In the result, the Criminal Application is disposed of in terms of the order dated 24 January 2022 on the condition that the Applicant shall co-operate with the investigating agency and shall not directly or indirectly make any attempt to contact the informant or any other prosecution witness and shall not otherwise tamper with the prosecution evidence.

5. The interim application for intervention is accordingly disposed of.

C.V. BHADANG, J.