

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

ANTICIPATORY BAIL APPLICATION NO. 928 OF 2022

Madhukar D. Bhosale ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Subodh Desai i/b. Hrishikeh Chavan for the Applicant.  
Mrs. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.  
DATED : 6<sup>th</sup> APRIL, 2022.**

**P.C.**

1. This is an application under Section 438 Cr.P.C., filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No. 136 of 2022, registered with Malad Police Station for offences under Section 354, 376(2)(n) and 506 of Indian Penal Code.

2. Heard Mr. Desai, learned Counsel for the Applicant and Mrs. Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR dated 8.3.2022 lodged by the first informant Premlala Dharamsingh Mehrotra. The FIR prima facie reveals that the husband of the prosecutrix was employed with the Applicant and they were residing in his godown. The prosecutrix has alleged that between 1988 till 2021, the Applicant

has sexually abused her, subjected her to rape, and threatened to cause death of her son. Prima facie, there is inordinate delay in lodging the complaint. Moreover, the records reveal that prior to the FIR, the Applicant herein had lodged a complaint dated 5.4.2021 against unknown persons for abducting one of his employees. In the course of interrogation it was revealed that the son of the prosecutrix was involved in the said crime. The Applicant has placed on record text messages received on his mobile no.9820999408, from the prosecutrix, a perusal of which prima facie indicates that the prosecutrix has been requesting the Applicant not to implicate her son in the crime, whereas the Applicant had told her that he had not disclosed the name of her son in the FIR, and it was only in the course of investigation that the police had implicated him in the said crime.

4. Prima facie, it appears that the prosecutrix has lodged the complaint only in view of the arrest of her son in connection with the crime registered pursuant to the FIR lodged by the Applicant. Under the circumstances, this is a fit case for grant of pre-arrest bail. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No. 136 of 2022 registered with Malad Police Station, the Applicant be released on bail on furnishing PR bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of

the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer on 11<sup>th</sup> and 12<sup>th</sup> April, 2022 between 11.00 a.m. to 2.00 p.m, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P  
SALGAONKAR  
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signed by  
PRASANNA P  
SALGAONKAR  
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**(ANUJA PRABHUDESSAI, J.)**