

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1023 OF 2022

Kamlesh Ramlal Fandi

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Satyam H. Nimbalkar for the Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

Mr.S.J. Gade, PSI, Wakad Police Station.

CORAM : C.V. BHADANG, J.

DATE : 13 APRIL 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.110 of 2022 registered with Wakad Police Station, under Section 376(2)(n), 323, 504, 506 of Indian Penal Code, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 11 February 2022 lodged by the prosecutrix who is a girl aged about 27 years. The informant claims that she got acquainted with the Applicant and the Applicant had proposed her for marriage which she had refused. However, the Applicant continued to pester her.

3. The informant claims that the Applicant had forcible sexual intercourse with her on multiple occasions during the period from 17 August 2016 to 16 March 2020, by taking undue advantage of her helpless condition.

4. It transpired during the course of the hearing that the Applicant and the informant were known to each other for quite sometime and according to the Applicant even they were engaged by undergoing a 'Roka Ceremony' of which the photographs are produced on record.

5. The learned counsel has also pointed out transcript of several whats app messages, exchanged between the informant and the Applicant claiming that both of them were in a relationship.

6. It can be seen that even according to the informant, she was acquainted with the Applicant and the relationship continued for a considerable period of time from 17 August 2016 to 16 March 2020. The FIR came to be lodged only on 11 February 2022. The informant is a grownup lady, having attained the age of consent.

7. The learned APP on instructions from the Investigating Officer submitted that the custody of the Applicant

is only required for conducting medical examination and for recovery of the mobile handset.

8. The learned counsel for the Applicant on instructions states that the Applicant is ready and willing to submit himself for medical examination and will surrender the mobile phone. The statement so made is accepted.

9. Looking to the overall circumstances, and the statement made on behalf of the prosecution, the custodial interrogation of the Applicant may not be warranted.

10. In the result the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.110 of 2022 registered with Wakad Police Station, the applicant-Kamlesh Ramlal Fandi be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 25 and 26 April 2022 between 11.00 am to 1.00 p.m. and as and when called by the

investigating officer and shall co-operate with the Investigating Agency.

(iii) The Applicant shall submit himself for medical examination and surrender his mobile phone to the Investigating Officer.

(iv) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(v) In the event of breach of any of the conditions the bail is liable to be cancelled.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.