

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

ANTICIPATORY BAIL APPLICATION NO. 1122 OF 2022

Niwas Dattu Kamble ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Dilip Shinde for the Applicant.
Mr. N.B. Patil, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 26th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No. I-58 of 2022, registered with Navpada Police Station, Thane for offences under Section 328, 376, 506 r/w. 34 of Indian Penal Code.
2. Heard Mr. Shinde, learned Counsel for the Applicant and Mr. Patil, 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 lodged by by prosecutrix. The prosecutrix is a married lady with a child of 7 years of age. The FIR prima facie reveals that she came in contact with the co-accused on face book. She claims that in March 2020 the co-accused took her to his office and introduced her to the Applicant herein. She states that the co-accused insisted that she should have some cold drink.

Later they went to the room of the Applicant. The co-accused offered her cold drink which made her feel drowsy. Later, when she regained senses, she realized that she was disrobed. The co-accused showed her nude photographs and obscene videos and threatened to make the said photographs and videos viral. She claims that from March 2020 till January, 2022 the co-accused sexually exploited her under the threat of making the photographs and videos viral. The FIR prima facie reveals that the prosecutrix had stayed with the co-accused for about fifteen days. It is only after her father lodged a missing report that she has filed the present FIR in February 2022, in respect of the offence which was allegedly committed in March, 2020.

4. The co-accused was arrested and interrogated. It is stated that no photographs or obscene videos have been retrieved from his mobile phone. The Applicant herein is not involved in sexually abusing the victim. The only allegation against the Applicant is that he had allowed the co-accused to use his room, who had taken the prosecutrix to the said room.

5. Considering the nature of the accusation and the material in support thereof, in my considered view, this is not a case which would justify custodial interrogation, Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No. I-58 of 2022,

registered with Navpada Police Station, Thane, the Applicant be released on bail on furnishing bail 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 for two days on 28th and 29th April, 2022 from 11 a.m. to 2.00 p.m. 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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by PRASANNA
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SALGAONKAR
Date:
2022.04.27
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(ANUJA PRABHUDESSAI, J.)