

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1636 OF 2022**

Vishwajeet Rajendra Dhavalikar .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Viral K. Rathod for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

API Shri Rajesh Khopkar attached to MIDC Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 22nd JUNE, 2022

P.C:-

1. On a complaint filed by the complainant on 17/01/2022, the applicant is arraigned as an accused in C.R.No.33 of 2022 registered with M.I.D.C. Police Station, invoking Sections 354, 354-B, 509, 376 and 511 of the IPC.

2. On perusal of the complaint it can be seen that upon a friend request of the applicant, being accepted by the complainant, a bond of friendship developed between them and

they used to often go for outings. On account of such relationship shared, the complainant visited his house on 22/10/2021 and it is the complainant's version that she was made to drink water and, since, the applicant was consuming gutkha, she become unconscious. Thereafter, she found herself sharing the bed with the applicant with his clothes taken off. However, the said episode was sorted out between the two with the assistance of their friends, with an assurance that such incident will not be repeated. Since, the complainant gained knowledge that applicant is avoiding her, she approached the police. However, the complaint was withdrawn, on an assurance that the incident will not be repeated.

3. At the outset, the Investigating Officer, who is present in the Court, states that Section 376 of the IPC has been wrongly invoked in the subject C.R. as no accusations of rape are found on reading the same. The Investigating Officer also states that in the wake of the accusations made in the complaint, he is not desirous of custody of the applicant for the purpose of investigation and it would suffice, if applicant reports to the police station when required and renders his co-operation. Accepting the said statement, the application deserves to be

allowed. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.33 of 2022 registered with MIDC Police Station, Mumbai, applicant-Vishwajeet Rajendra Dhavalikar shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station on 27/06/2022 between 10.00 a.m. to 2.00 p.m. and, thereafter, as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)