

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

CRIMINAL APPEAL NO. 836 OF 2019

Chetan Bapu More ... Appellant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Rahul S. Kate for the Appellant.

Mr. V.B.Konde-Deshmukh, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 17th JUNE 2022.

P. C. :

1. Heard learned Counsel for the parties.
2. By this appeal, the appellant seeks pre-arrest bail in connection with C.R. No. 426 of 2019, registered with the Baramati Taluka Police Station, District - Pune, for the alleged offences punishable under Sections 120-B, 417, 418, 376-D, 377 of the Indian Penal Code ('I.P.C.');
- under Sections 3 (1) (w) (ii) and 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ('SCST Act');
- and under Section 5(a) of the Immoral Traffic (Prevention) Act.

3. The learned Counsel for the appellant submits that the co-accused in the said case, were arrested and tried in the said CR and after a full-fledged trial, the co-accused were acquitted of all the offences.

4. Learned APP opposes the application.

5. Perused the papers.

6. The incident took place on 8th May, 2019 and since then, it appears that the appellant was absconding. As the appellant was absconding, the other three co-accused, who were arrested in connection with the said case were put up for trial. It appears that after a full fledged trial, the said accused were acquitted.

7. A perusal of the statement of the prosecutrix clearly shows the complicity of the appellant in the said crime. According to the prosecutrix, the incident took place on 8th May, 2019. The prosecutrix in her complaint/FIR, has stated that the accused No.1- Reshma Amol Bhujbal had called and told her, that it was her

wedding anniversary and therefore, she should come home for dinner; that pursuant thereto, she went to the accused No.1's house; that there were other people who had also come for the function; that after dinner, when she told the accused No.1- Reshma that she wanted to go to her house, the accused No.1-Reshma told her not to go to her house, as it was late; that the accused No.1- Reshma and her husband- Amol gave her a cold drink, 'Thumps up'; that when she told them that the drink was bitter, they replied that they had mixed wine in the cold drink, as it was their wedding anniversary; and, that after consuming the drink, she started feeling dizzy. The prosecutrix has further stated that the accused No.1-Reshma and Amol took her to a room to sleep and that when she woke up next morning i.e. on 9th May, 2019, she found herself without clothes and one person sleeping naked beside her. She has further stated that when she questioned about the same, the accused No.1-Reshma told her that he was Chetan More (Appellant) and that he was very close to her and therefore, she caused him to sleep with her. The prosecutrix has further in her statement has spelt out what happened after the appellant left i.e. she was further sexually assaulted by other men who came at the behest of accused No.1- Reshma.

Accordingly, the complaint has been lodged. Prima facie, the statement of the prosecutrix is consistent with the medical case papers.

8. *Prima facie* considering the nature of the allegations and as the appellant was absconding since 2019, this is not a fit case to grant pre-arrest bail. It also appears that the circulation of the aforesaid appeal was taken, only after the acquittal of the co-accused.

9. Considering the aforesaid, the appeal is rejected.

10. Needless to say, that the observations made herein, are *prima facie*, for the purpose of deciding this appeal and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.