

PMB

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

ANTICIPATORY BAIL APPLICATION NO.2611 OF 2022

RAHUL RAJENDRA JAIN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Shreeram Shirsat a/w Ms. Nishi Singhvi for applicant.
Mr. N. B. Patil, APP for State.
Ms. Shabnam Latiwala for intervenor.
Smt. Salunke, PI, Oshiwara Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 23, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 376, 323, 504, 506 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No.1244 of 2022 registered with Oshiwara Police Station.
- 3.** It is the contention of learned counsel for the applicant that he belongs to a reputed family from Indore. He is a

singer by profession. It is the case of the complainant that through Instagram the applicant communicated with her as he liked her costume designs. The applicant wanted the complainant to work for him. It is alleged that the incident took place on 18/10/2020 at around 1.20 p.m. in the residential house of the applicant. At the relevant time, according to the complainant, the applicant was alone at home. The complainant alleged that the applicant committed forcible sexual intercourse with her against her wish. The applicant threatened the complainant that if she speaks about the incident to anyone, then he will defame her in the film industry and also make sure that she does not get any work.

4. Learned APP submits that the applicant has co-operated with the investigation. Learned APP submitted that the complainant refused to get herself medically examined and further did not wish that her statement be recorded under Section 164 of the Code of Criminal Procedure.

5. Learned counsel for the intervenor seeks discharge from appearing on behalf of the intervenor-complainant.

She submits that though an Intervention Application was drafted and served on the applicant, the same was not filed as per the instructions of the complainant. The Intervention Application is therefore not on record. However, the applicant on being served with the copy of the Intervention Application has filed an affidavit in response to the Intervention Application. The reply is not taken into consideration as there is no intervention on record. In this view of the matter, I proceeded to decide the application on merits.

6. The incident is of 18/10/2020. The First Information Report (hereafter "FIR", for short) was filed on 11/08/2022. There is an inordinate delay in lodging the FIR. The applicant has co-operated with the investigation. Also having regard to the materials on record and upon considering the submission of learned APP, in my opinion, the custodial interrogation of the applicant is not necessary. The applicant is not likely to abscond.

7. Hence, the following order :-

ORDER

(i) In the event of arrest of the applicant in connection with C.R. No.1244 of 2022 registered with Oshiwara Police Station, for the offence punishable under Sections 376, 323, 504, 506 of the IPC, he shall be released on his furnishing a P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant to co-operate with the Investigating Officer.

(iii) The applicant to report to the concerned police station as and when called for.

(iv) The applicant should not tamper with the prosecution evidence.

8. Anticipatory Bail Application is disposed of.

(M. S. KARNIK, J.)