

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2726 OF 2022

Sunil Deepak Patil
Versus
State Of Maharashtra

...Applicant

...Respondent

....

Mr. Prashant Jadhav, Advocate for the Applicant.

Mr. N. B. Patil, APP for the Respondent – State.

Mr. Chandrakant Shingre, Gokul Shirgaon Police Station, Kolhapur
present.

CORAM : PRAKASH D. NAIK, J.
DATE : 10th October, 2022.

PER COURT:

1. The applicant is apprehending arrest in C.R. No.170 of 2022 registered with Gokul Shirgaon Police Station, Kolhapur for offences under Sections 376(2)(n), 506 read with 34 of the Indian Penal Code and Section 39 and 45 of the Maharashtra Money Lending Act.

2. The case of the complainant is that, she was working in a company namely Shereplus. Prior to joining the said company she was in need of money in the year 2016 she obtained hand loan from accused No.4. The accused No.1 to 3 were also working in same company and there was cordial relationship between them. On 24th August, 2017 when the complainant was in bakery, at that time accused No.2 with one Minaj Shaikh came their and informed her that the owner of the

company called her immediately. The complainant sat in the vehicle, brought by accused No.2 and they went towards Gokul Shirgaon. The car halted at hotel and she was informed that, there is lunch party accused No.2 gave her cold drink which was consumed by her and she became unconscious. When she regained consciousness, she found herself in naked condition. The accused No.3 clicked photographs and sent them to Minaj Shaikh and the same were shown to the complainant. After that, Minaj Shaikh deleted the photographs. On the basis of photographs Accused No.2 developed relationship with complainant. Accused No.1 Anil Patil had demanded sexual favour. The accused No.1 subjected her to physical relationship on various occasions. Accused No.1 sent these photographs to the complainant and thereafter, the applicant also subjected victim to physical relationship. The complainant made an accident on 31st December, 2018 and suffered injuries. She was admitted in hospital. Accused No.4 visited hospital and demanded Rs.17,000/- from the complainant she paid an amount of Rs.30,000/- to accused No.4. The accused No.4 visited house of complainant on 4th August, 2022 and demanded money by threatening that, the photographs will be made viral. FIR was registered.

3. Learned counsel for the applicants submitted that, FIR is concocted. There is inordinate delay in lodging the FIR. Statement of

complainant was recorded. The custodial interrogation of the applicant is not necessary. The applicant is willing to cooperate with Investigation Officer.

4. Learned APP submitted that, the Investigation is in progress. Custody of the applicant is necessary to recover the objectionable photographs. Specific role has been attributed to the applicant.

5. On perusal of the documents on record, it is apparent that the complainant has referred to the old incident. She was allegedly subjected to physical relationship initially in 2018. Subsequent on several occasion. The victim was subjected to physical relationship. The FIR has been registered on 26th August, 2022. Looking into the nature of applicant. Applicant need not be subjected to custody. They can be directed to cooperate with Investigation.

ORDER

(i) Criminal Anticipatory Bail Application No. 2726 of 2022 is allowed.

(ii) In the event of arrest of the applicant in connection with C. R. No.170 of 2022 registered with Gokul Shirgaon Police Station. The applicant be released on bail on executing P.R. Bond in the sum of Rs.20,000/-

with one or more sureties in the like amount.

(iii) The applicant shall report Investigating Officer on 17th, 18th and 19th October, 2022 between 11:00 a.m. to 1:00 p.m. and there after as and when called for till filing the charge-sheet.

(iv) The applicant shall hand over his cellphone to the Investigation Officer for the purpose of investigation.

(v) Criminal Anticipatory Bail Application disposed off.

(PRAKASH D. NAIK, J.)