

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2720 OF 2022

Prashant Siddharth More ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Aniket Nikam i/b. Mr. Amit Icham, Advocate for the Applicant.

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

Mr. Gaurav Parkar, Advocate for the complainant.

PSI P.P. Jadhav and Ms.Shital Shivaji Bundgar, PC No.41025. ASP
Office, Mahad Division, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2022.

PER COURT:

1. The applicant is apprehending arrest in CR No.110 of 2022 registered with MIDC Police Station, Mahad, Raigad on 12th September, 2022 for the offence punishable under Section 376, 354, 354-A, 354-D, 506 of the Indian Penal Code.

2. The case of the prosecution is that the victim is aged about 20 years. She got acquainted with the applicant. There was love affair between them. They visited several places. The accused had physically touched her on various occasions and subjected her to sexual intercourse under the false promise of marriage. FIR was lodged.

3. The applicant has preferred an Application for Anticipatory Bail before the Sessions Court. It was rejected vide order dated 20th September, 2022.

4. Learned counsel for the applicant submitted the case of the prosecution is false. The complainant has concocted the allegations. *Prima facie*, there was friendly relationship between them. There is no incident of sexual intercourse. There was no false promise of marriage. The reliance has been placed on whatsapp's messages exchanged between the victim and the applicant. The applicant is employed in police department. He has been suspended. Custodial interrogation of the accused is not necessary.

5. Learned APP submitted that there was evidence to indicate that the applicant had visited the coffee shop along with the victim. The statement of witness in that regard was recorded. The CCTV footage was recovered. Medical evidence support the prosecution case. The cell phone of the applicant is required to be seized.

6. Learned counsel for the victim, submits that the alleged FIR clearly mentions that the accused had made false promise of marriage and subjected the victim to physical relationship. While arguing the application before the lower Court, it was urged that the relationship is of consensual nature. Now the applicant

contends that there was no physical relationship between them. The custodial interrogation of the applicant is necessary. The complainant was threatened by two unknown persons and NC complaint in that regard has been registered.

7. On perusal of the FIR , it is apparent that the case of the complainant is that she was in relationship with the applicant and they were acquainted with each other from 9th August, 2020 till the registration of the FIR. The complaint refers to their acquaintance, their visit to several places and physical relationship. The version in FIR depicts consensual relationship. The applicant denies physical relationship. Considering the contents of FIR, applicant need to be subjected to custodial interrogation.

8. Hence I pass following order :

:: ORDER ::

- (i) In the event of arrest of applicant in CR No.110 of 2022 registered with MIDC Police Station, Mahad, Raigad, the applicant is directed to be released on Bail on executing PR Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall handover his cell phone to the investigating officer for the purpose of investigation.

- (iii) The applicant shall not approach the victim and shall not tamper with the evidence.
- (iv) The applicant shall attend concerned police station on 10th , 11th and 12th October, 2022 between 11.00 am to 1.00 noon and thereafter as and when called for.
- (v) Criminal Anticipatory Bail Application is allowed and disposed of.

(PRAKASH D. NAIK, J.)