

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3083 OF 2021

Abhay Gopinath Mhatre	...Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.Pratap V. Patil for the Applicant.
Mr.R.M. Pethe, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 23 FEBRUARY 2022

P.C.

1. The Applicant, apprehending arrest, in connection with the investigation of Crime No.427 of 2021 registered with Talegaon-Dabhade Police Station, Pimpri-Chinchwad, under Section 376 and 506 of Indian Penal Code is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by the victim who was aged 25 years on the date of the incident and is a married lady. She states that she was knowing the Applicant as he was the son of her distant maternal aunt. According to the informant somewhere in January 2019 the Applicant went to the house of the informant at Talegaon and had forcible sexual intercourse with her. After some days the

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Applicant again visited the house of the informant in the afternoon and threatened the informant to disclose the incident to her husband and under such threat again he had sexual intercourse with her.

3. A perusal of the FIR shows that thereafter also on multiple occasions she claims that the Applicant had sexually abused her by threatening to show the video recording of their relations. Ultimately the FIR came to be lodged on 18 October 2021 that is after a period of 1 years and 10 months.

3. I have heard the learned counsel for the parties.

4. By an order dated 21 December 2021 interim protection was granted to the Applicant on condition of attendance. The Applicant has reported to the investigating officer and has co-operated in the investigation.

5. The learned counsel for the Applicant states that the Applicant had shown readiness to surrender the mobile phone. However, the same was not seized by the Investigating Officer.

6. The learned counsel for the Applicant submitted that the brother of the informant had contested the Gram Panchyat Election against the Applicant in which the Applicant was

declared elected. He submitted that the brother of the first informant had filed a election petition against the Applicant in which he has lost. The copy of the said judgment dated 15 November 2019 is produced on record. It is submitted that the complaint is an outcome of the political rivalry.

7. I have considered the submissions made. Having regard to the overall circumstances and the fact that the prosecutrix is shown to be a grown up married lady and there is a delay in filing of the FIR and *prima facie* having regard to the fact that there appears to be a political rivalry between the brother of the informant and the Applicant, Criminal Application is disposed of in terms of order dated 21 December 2021 which is hereby made absolute.

C.V. BHADANG, J.