

Diksha Rane

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

ANTICIPATORY BAIL APPLICATION NO.3253 OF 2022

RUPESH MADHUKAR GHOLE ..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Jyotiram S. Yadav for the applicant.
Mr. S. V. Gavand, APP for State.
Mr. G. S. Musle, Manpada Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 376, 406, 420, 506 read with 34 of the Indian Penal Code vide C.R.No.0738 of 2022 registered with the Manpada Police Station.
- 3.** It is the version of the prosecutrix that her husband died on December 19, 2020 leaving behind two children. There was some immovable property which she sold to her cousin brother for a consideration of Rs.14 lakhs by a

registered sale deed dated January 31, 2022. The applicant who was known to the victim alongwith Manoj Dhumal induced her to invest money in their ongoing project of construction at Panvel. Believing the applicant and said Manoj she invested an amount of Rs.8 lakhs by handing over to the applicant who in turn handed over the same to Manoj. Later on, when the applicant asked the details about the construction, he threatened her that he would make her inappropriate videos which he had recorded viral. It is submitted that the complainant was sexually abused by the applicant.

4. On reading of the complaint, it *prima facie* appears that the relations between the parties were consensual relationship and the physical relations were an outcome of such relationship. The First Information Report was registered on September 20, 2022 whereas it is alleged that the applicant had physical relations with the complainant since February 2, 2022.

5. Learned counsel for the applicant invited my attention to the agreement which is at page 34 of the paper-book

between the applicant and the complainant dated September 19, 2022. In this agreement, it is mentioned that an amount of Rs.8 lakhs was taken from the complainant as and by way of financial aid.

6. To show the bonafides of the applicant, the applicant has filed an affidavit in this court indicating his willingness to return the amount of Rs.8 lakhs to the complainant. The affidavit is taken on record. The statement made by learned counsel for the applicant on instructions that the said amount of Rs.8 lakhs will be returned in the manner stated in the affidavit as per the schedule, is accepted.

7. Taking an over all view of the matter, I am *prima facie* satisfied from the materials on record that the parties are in consensual relationship. This is a fit case to release the applicant on pre-arrest bail. There is no likelihood of the applicant absconding and there are no criminal antecedents reported. Hence the following order.

ORDER

(A) In the event of arrest in connection with C.R.No.0738 of 2022 registered with the Manpada Police Station, the applicant-Rupesh Madhukar Ghole

shall be released on bail on furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount.

(B) The applicant shall report to the concerned police station once in a month and thereafter, as and when called.

(C) The applicant shall not reside in the vicinity where the complainant is residing.

(D) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

8. The application is disposed of.

(M. S. KARNIK, J.)