

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

ANTICIPATORY BAIL APPLICATION NO. 3289 OF 2022

Shri. Ganesh Ramchandra Nanekar	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Shailesh Chavan for the Applicant.
Ms. Rujuta Ambekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th NOVEMBER, 2022.

P. C. :-

. The Applicant has filed this Application under section 438 of Cr.P.C. apprehending his arrest in C.R.No.280/2022 registered with Alandi Police Station, Dist. Pune for offences punishable under sections 323, 376(2)(n), 380, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Chavan, learned counsel for the Applicant and Ms. Ambekar, learned APP for the State. I have perused the orders and considered the submissions advanced by the learned counsel for the respective parties.

3. The prosecutrix is a married woman. There was matrimonial dispute between the prosecutrix and her husband and divorce

proceedings were pending. The prosecutrix got acquainted with the Applicant through facebook chatting. The acquaintance turned into love relationship. They were in live-in relationship and indulged in sexual relationship. The relations between the prosecutrix and the Applicant turned sour as a result they started living separately.

4. The prosecutrix lodged the First Information Report on 17/12/2021 against the Applicant stating that he had come to her house and threatened and assaulted her. Pursuant to the said FIR, C.R.No.280/2021 was registered with Alandi Police Station against the Applicant for offences punishable under sections 323, 494, 504 and 506 of the Indian Penal Code and section 25/4 of the Arms Act.

5. Apprehending his arrest in the said crime, the Applicant filed application for pre-arrest bail being Anticipatory Bail Application No.1371/2022. By order dated 24/05/2022, this Court (Coram : Bharati Dangre, J.) granted anticipatory bail to the Applicant subject to the terms and conditions stated in the said order.

6. The prosecutrix filed FIR dated 13/09/2022 against the Applicant stating that he once again visited her house on 10/09/2022 and that he assaulted her and tried to establish physical relationship with her.

When she objected and resisted, he assaulted and had forcible sexual relationship with her. He again visited her house on 12/09/2022 and demanded money. She has stated that she declined to give him money. She later found that her gold mangalsutra as well as her activa vehicle was missing. She suspected that the Applicant had committed theft of her gold mangalsutra and activa vehicle and hence lodged the FIR, pursuant to which C.R.No.280/2022 came to be registered against the Applicant before Alandi Police Station for offences punishable under sections 323, 376(2)(n), 380, 504 and 506 of the Indian Penal Code.

7. The prosecutrix was referred for medical examination. A perusal of the medical records prima facie reveals that the prosecutrix had sustained several injuries. The medical records prima facie corroborates the case of the Complainant that the Applicant had visited her house and assaulted her. There is no reason to disbelieve the statement of the Complainant that the Applicant had assaulted her for resisting physical relationship and that he had sexual relationship with her without her consent and against her will.

8. The records reveal that the Applicant has misused his liberty while on bail. Furthermore, total 11 crimes are registered against the

Applicant for committing serious offences. The nature of accusations as well as the criminal antecedents would not justify grant of pre-arrest bail. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

**PREETI
H JAYANI**

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