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

ANTICIPATORY BAIL APPLICATION NO.3364/2022

PRIYA KALPNATH UPADHAYA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Karan Mehta a/w. Adv. Bhaskar U., Adv. Harshad Joshi,
Adv. Punit Vyas i/b. Adv. Akash P. Shah for the applicant.
Ms. A. A. Takalkar, APP for State.
Mr. Hiranman Bhoje, API, Nalasopara Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 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 First Information Report (FIR) No.0469/2022 registered with Nalasopara Police Station on October 18, 2022 for the offence punishable under Sections 323, 342, 376, 377, 506 of the Indian Penal Code, 1860 (hereafter 'the IPC' for short).
3. The prosecutrix is 31 years of age. She is an employee of a private limited company. The date of the incident is in

the intervening night of September 24, 2022 and September 25, 2022. It is case of the prosecutrix that there was some dispute between the prosecutrix and her husband. Since her husband did not return, she contacted Mr. Rahul Londhe, who is working in the police department. In her statement, she has stated that Rahul Londe and the present applicant were in a relationship. The prosecutrix over a period time became a good friends with Rahul Londe and the applicant. Rahul Londhe had introduced the applicant as his girlfriend to the prosecutrix. It is alleged that on the intervening night of 24th and 25th September, 2022 the applicant aided Rahul Londhe commit forcible sexual intercourse with the prosecutrix.

4. I have carefully gone through the statement of the prosecutrix. Though the incident is in the intervening night of September 24, 2022 and September 25, 2022, the FIR came to be lodged only on October 18, 2022. The statement of the prosecutrix was recorded on October 17, 2022. There is an unexplained delay in lodging the FIR. It is the allegation that the applicant being the girlfriend of the

main accused Rahul Londhe, helped him commit forcible sexual intercourse with the prosecutrix.

5. Learned APP submitted that it is not as if that the delay is not explained. The prosecutrix in fact had informed the wife of the main accused-Rahul Londhe and her husband. The statement of the Rahul Londhe's wife was recorded as late as on October 18, 2022. Rahul Londhe and his wife are living separately on account of marital discord between them.

6. From the reading of the statement of the prosecutrix, the possibility of the applicant carrying an impression that the relations between the applicant and Rahul Londhe are consensual in nature including physical, cannot be ruled out. There are no criminal antecedents against the applicant. There is nothing to be recovered from the applicant. In such a view of the matter, in my opinion, this is a fit case for grant of pre-arrest bail.

ORDER

(A) In the event of arrest in connection with FIR No.0469/2022 registered with Nalasopara Police Station,

the applicant-Priya Kalpnath Upadhaya 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 on 20th, 21st and 22nd December, 2022 and thereafter, once in a month on the first Sunday of every month, between 10.00 a.m. and 12.00 noon.

(C) 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.

(D) The applicant to furnish the details of her residential address and contact numbers to the Investigating Officer.

(E) The applicant to co-operate with the Investigating Officer.

7. The application is disposed of.

(M. S. KARNIK, J.)