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

ANTICIPATORY BAIL APPLICATION NO.3404 OF 2022

VINOD KUMAR MOORTHY GOUNDER ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Ruby Shaikh a/w. Adv. Imran Shaikh, Adv. Morgan
Mendonca for the applicant.

Mr. N. B. Patil, APP for State.

Mr. S. S. Padaye for the victim.

Mr. Patil, PSI, RCF Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 16, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. The applicant was granted interim protection by the
order dated December 8, 2022 passed by this Court.

3. The offence is alleged under Sections 376 and 376(2)
(n) of the Indian Penal Code, 1860 in connection with
C.R.No.04/2022 dated January 4, 2022 registered with
R.C.F. Police Station, Mumbai.

4. The prosecutrix alleged that on more than two occasions the applicant committed forcible sexual intercourse with her on the pretext of getting married. The First Information Report (FIR) dated January 4, 2022 is filed almost six months after the alleged act.

5. Learned counsel for the applicant invited my attention to the order of learned Sessions Court where the informant has filed two other complaints of similar nature against other boys. They have been granted bail.

6. Learned APP as well as learned counsel appearing on behalf of the complainant opposed the application. They contented that there are specific allegations made against the applicant in the FIR.

7. Considering the delay in lodging the FIR and that similar nature of complaints on earlier occasion were filed against two other boys and also having regard to the fact that the allegations in the complaint, *prima facie*, reveal that the applicant and the prosecutrix were in consensual relationship, the interim protection granted earlier deserves to be confirmed. There are no criminal antecedents reported

against the applicant. The applicant has co-operated with the investigation as directed. In my opinion, the custodial interrogation of the applicant is not required. The apprehension of the complainant about threats and intimidation by the applicant and his family members can be taken care of directing the applicant to remove himself from the area of R.C.F. Police Station. Hence the following order.

ORDER

(A) In the event of arrest of the applicant-Vinod Kumar Moorthi Gounder in connection with C.R.No.04/2022 registered with R.C.F. Police Station, the applicant shall be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(B) The applicant shall report to the Investigating Officer of the concerned police station on 20th and 21st December, 2022, between 10.00 a.m. and 12.00 noon and thereafter, once in a month on every Monday and as and when called.

(C) The applicant shall furnish the details of his residential address and phone numbers to the Investigating Officer.

(D) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him/her from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(E) The applicant shall reside outside the area of R.C.F. Police Station till the trial is over and till further orders of the trial Court.

- 8.** The application is disposed of.

(M. S. KARNIK, J.)