

PMB

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

ANTICIPATORY BAIL APPLICATION NO.3402 OF 2022

Digitally
signed by
PRADNYA
MAKARAND
BHOGALE
Date:
2022.12.08
14:53:03
+0530

MANOJ BALIRAM DHUMAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Jyotiram S. Yadav for applicant.

Mr. S. H. Yadav, APP for State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 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, 1860 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 19/12/2020 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 31/01/2022. One Rupesh was known to the victim. Rupesh and the present applicant induced her to invest money in their ongoing project of construction at Panvel. Believing the applicant and said Rupesh she invested an amount of Rs.8 lakhs by handing over money to the Rupesh who in turn handed over the same to the applicant. There are some allegations against Rupesh that he sexually exploited her. Rupesh filed an Anticipatory Bail Application No.3253 of 2022 in this Court. By an order dated 30/11/2022, the pre-arrest bail in respect of Rupesh was granted. Rupesh had made a statement, on instructions, that an amount of Rs.8,00,000/- will be returned to the informant. The role of the present applicant is much lesser to that of Rupesh. Rupesh is alleged to have committed an offence under Section 376 of the IPC. On the ground of parity as well as on merits, the applicant could be granted pre-arrest bail as his custodial interrogation in any case is not required. Hence, the following order :-

ORDER

(i) In the event of arrest in connection with C.R. No.0738 of 2022 registered with Manpada Police Station, the applicant-Manoj Baliram Dhumal shall be released on bail on furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 14th, 15th and 16th December, 2022 between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called.

(iii) 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 shall not tamper with evidence.

4. The Anticipatory Bail Application is disposed of.

(M. S. KARNIK, J.)