

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

ANTICIPATORY BAIL APPLICATION NO. 3497 OF 2022

Nageshwar Kashinath Sankhe
Versus
The State Of Maharashtra

...Applicant

...Respondent

Mr. Aniket Vagal a/w Mr. Kunal Pednekar a/w Mr. Divesh Mehani
i/b Pradeep Rajput for applicant.

Mr. N.B. Patil APP for State

Mr. Namdeo Bandgar, PI, Dahanu Police Station is present.

CORAM: M. S. KARNIK, J

DATED: DECEMBER 19, 2022

PC:-

- 1.** Heard learned counsel for the applicant and learned APP for State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under sections 376(2)(B), 376(2)(F), 323, 506, of the Indian Penal Code, 1860 in connection with C.R. No. 197/2022 dated 19/11/2022, lodged with Dahanu Police Station, Palghar.

3. The prosecutrix alleged that sometime in the year 2015, she was appointed as Gram Sevak and therefore, she had gone for training at Dahanu, District Palghar. The applicant was the trainer. It is alleged that on 22/11/2015, the applicant took photograph of the complainant along with him when nobody was there. It is not the allegation that the photograph was obscene in any manner. The applicant threatened to make that photograph viral. The complainant did not disclose this incident to anybody. Thereafter the applicant had forcible sexual intercourse with the complainant and threatened that she should not disclose this incident to anybody. It is now in the year-2022, i.e. almost after 7 years of the incident, the complainant realised that the applicant must be proceeded for the alleged act.

4. Considering the delay in filing First Information Report, in my opinion and having regard to the fact that the custodial interrogation of the applicant at this distance of time is not necessary as the statement of the prosecutrix is already on record, the applicant can be granted pre-arrest bail. Hence, the following order.

ORDER

(a) In the event of arrest in connection with C.R. No. 197/2022 dated 19/11/2022, lodged with Dahanu Police Station, applicant- Nageshwar Kashinath Sankhe shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) The applicant shall report to the Investigating Officer of the concerned police station on 21/12/2022, 22/12/2022 and 23/12/2022 between 10.00 a.m. and 1.00 p.m. and thereafter on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(c) The applicant to furnish the details of his residential address and contact number to the Investigating Officer.

(d) The applicant 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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

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

6. The application is disposed of.

(M. S. KARNIK, J.)