

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

ANTICIPATORY BAIL APPLICATION NO. 3516 OF 2022

Rahul Dagdu Londhe	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Adv. Karan Mehta a/w Adv. Bhaskar Udawant a/w Adv. Harshad Joshi i/b Adv. Akash P Shah for applicant.

Ms. P.N. Dabholkar, APP for State.

Hiraman Uttam Bhoje, API, Nalasopara Police Station is present.

CORAM: M. S. KARNIK, J

DATED: DECEMBER 20, 2022

PC:-

1. Heard learned counsel for the applicant and learned APP for State.
2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No. 469 of 2022 registered with Nalasopara Police Station, for the offence punishable under sections 323, 342, 376, 377 and 506 of the Indian Penal Code, 1860.
3. By order dated 14/12/2022 co-accused was granted pre-arrest bail. The order reads thus:-

"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 Londhe and the present applicant were in a relationship. The prosecutrix over a period time became a good friends with Rahul Londhe 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."

4. The applicant is working as a Police Naik. After reading the statement of the prosecutrix, it reveals that she was good friends with the applicant and the other co-accused who has been granted pre-arrest bail by this Court.

5. I have already observed that apart from delay in lodging FIR, the statement *prima facie* reveals that the alleged incident appears to be consensual. For the same reasons mentioned as in the order dated 14/12/2022, the applicant, though the main accused, deserves to be granted pre-arrest bail. The custodial interrogation is not necessary in the present case. Hence, the following order.

ORDER

(a) In the event of arrest in connection with C.R. No. 469 of 2022 registered with Nalasopara Police Station, the applicant- Rahul Dagdu Londhe 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 22/12/2022, 23/12/2022 and 24/12/2022 and thereafter, once in a month on the first Monday 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 his residential address and contact number to the Investigating Officer.

(e) The applicant shall not enter the area or the vicinity where the applicant resides till the trial concludes.

6. The application is disposed of.

(M. S. KARNIK, J.)