

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

ANTICIPATORY BAIL APPLICATION NO.3648 OF 2022

Megsham Mallikarjun Yemul ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Milind R. Deshpande with Mr. Krishnakant Deshmukh for the Applicant.

Mr. Shrikant Yadav, APP for Respondent -State.

Mr. Vikrant Phatade for the original Complainant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No. 499 of 2022 registered with Vijapur Naka Police Station, District Solapur, for the offences punishable under Sections 307, 354, 376, 384, 388 and 420 r/w 34 of the IPC.

2. Heard Mr. Milind Deshpande, learned counsel for the Applicant, Mr. Shrikant Yadav, learned APP for the Respondent-State and Mr. Vikrant Phatade, learned counsel for the Complainant. I have perused the records and considered the submissions advanced by the

learned counsel for the respective parties.

3. The First Informant has alleged that the co-accused (accused No.1) had subjected her to rape from the year 2000 to 2019. She has further stated that the co-accused has taken from her Rs.70 to 80 lakhs by threatening her that he would disclose to her husband that she was having illicit relationship with him. She claims that the Applicant and wife of the co-accused have aided the co-accused. She further claims that the co-accused Vijaykumar Dige and his wife had forged her signature and prepared one fabricated possession receipt in respect of the flat. She claims that the co-accused Dige and his wife have grabbed her property by black mailing her.

4. The records prima facie indicate that the Applicant herein, who is the builder has developed the property belonging to the First Informant. There is no prima facie material to indicate that he has fabricated or forged any document. He is not involved in sexual exploitation of the First Informant or black mailing her.

5. Considering the nature of accusations, this Court by order dated 30/12/2022 has granted interim bail. Learned counsel for the

Applicant states that the Applicant has reported to the Investigating Officer and has co-operated with the investigation.

6. Considering the nature of accusations against the Applicant, in my considered view this would be a fit case to exercise discretionary relief under Section 438 of the Cr.P.C. in favour of the Applicant. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No. 499 of 2022 registered with Vijapur Naka Police Station, District Solapur, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer.

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.

(iv) The Applicant shall keep the Investigating

Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of

(SMT. ANUJA PRABHUDESSAI, J.)