

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 471 OF 2023

Nikhil Prakash Bhagat ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Chavan alongwith Mr. Jitendra Sawant for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 1164 of 2022 registered at Kondhwa Police Station, for the offences punishable under Sections 376, 354, 354A, 506(2) of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State and perused the First Information Report (FIR) lodged by the prosecutrix.

4. According to the prosecutrix, who was running hotel in partnership with the present applicant, that on the date of incident, which took place on 19 January 2021, the present applicant committed forcible sexual intercourse with her.

5. There is a delay of more than one and half years in lodging the FIR. Apart from it, there appears to be financial dispute between the parties. It further appears that prior to lodging of the present complaint by the prosecutrix, the present applicant on 02 November 2021, had lodged the complaint against the son of the prosecutrix alleging extortion. Considering over all facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Nikhil Prakash Bhagat in Crime No. 1164 of 2022 registered at Kondhwa Police Station, for the offences punishable under Sections 376, 354, 354A, 506(2) of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)