

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 549 OF 2020**

WITH

INTERIM APPLICATION NO. 1497 OF 2020

Sachin Ramchandra Nilakhe

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Niranjan Mundargi a/w Mr. Ranjeet Pawar for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Santosh Gaikwad for the Intervener.

Mr. Nikhil Jadhav, PN, Daund Police Station, Pune Rural, Present.

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CORAM : N.R. BORKAR, J.

DATED : 7 FEBRUARY 2023

P.C. :-

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

2. The applicant is apprehending his arrest in Crime No. 76 of 2018 registered at Daund Police Station, Pune Rural for the offences punishable under Sections 376, 354, 323, 120(B), 504, 506, 509, 452 r/w 34 of the Indian Penal Code and Sections 3, 4, 5, 6, 9 of the Immoral Traffic (Prevention) Act, 1965.

3. The allegations against the applicant are of rape. According to the victim, her parents are no more. She was in search of job. On 5 August 2017, the accused No. 8 on the pretext of providing her job, took her to

accused No. 1 who was running brothel. It is, inter alia, alleged that on 6 August 2017, in the night present applicant came to the house of accused No. 1 and forcibly committed sexual intercourse with her. The similar allegations are there against accused No. 3. As regards the other co-accused the allegations are of abetment.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the victim.

5. The learned counsel for the applicant submits that the victim in her statement recorded under Section 164 of the Code of Criminal Procedure has not made any allegations against the present applicant. It is submitted that though the applicant and other co-accused were unknown to the victim, she had mentioned mobile numbers of applicant and other co-accused in her application filed under Section 156(3) of the Code of Criminal Procedure. It is submitted that the victim in her complaint has stated that, she was confined in the house of accused No. 1 for ten days. However, according to history given by her at the time of her medical examination she ran away from the house of accused No. 1 on very next day i.e. on 7 August 2017. The learned counsel for the applicant submits that investigation is over and the prosecution has already filed the charge-sheet and thus there is no need of custodial interrogation. Accordingly, it is submitted that applicant may be released on anticipatory bail.

6. On the other hand, the learned APP submits that the applicant is involved in serious offence of rape. It is submitted that the victim was

confined and she was repeatedly raped. It is submitted that even her educational documents were taken from her on the pretext of providing her job and then she was threaten that they would destroy her educational documents if she dares to disclose about their prostitution activities. It is submitted that considering the nature of offence the applicant may not be released on anticipatory bail.

7. Prima facie, I do not see any reason to disbelieve the victim. It is not brought on record that the allegations are made with some ulterior motive. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail. Application is rejected.

8. At the request of the learned counsel for the applicant the interim order dated 13 March 2020 shall continue to operate for a period of four weeks from today to enable the applicant to approach the Hon'ble Supreme Court.

9. Interim Application does not survive and stands disposed of.

(N.R. BORKAR, J.)

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signed by
MANGALTAI
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JADHAV
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