

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.554 OF 2023

Ravindra Ramchandra Thorat ...Applicant
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. Sanjeev Kadam a/w. Mr. Mayur Sanap and Mr. Prashant Raul,
for the Applicant
Ms. Anamika Malhotra, APP, for the Respondent/State.
Mr. Nitin Jagtap, for Respondent No. 2.
Mr. K.S. Gowari, PSI, Sangavi police station.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 13, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.567 of 2022 registered at Sangvi police station for the offences punishable under sections 313, 323, 376(2)(n), 417, 504 and 506 of Indian penal Code, 1860.
3. When the application was first listed before this Court, by an order dated 22nd February, 2023 this Court was persuaded to grant interim protection.
4. The gravamen of indictment against the applicant is that during the period 1st January, 2016 to 25th March, 2022 the applicant had developed proximity with the first informant and by

giving promise of marriage, the applicant had sexually exploited the first informant on a number of occasions. Later on, the applicant exploited the first informant by threatening to make the objectionable videos and photographs viral. The applicant had also made the first informant to pay money to him.

5. The learned counsel for the applicant submits that the applicant is ready to pay a sum of Rs. 50,000/- to the first informant, today. The learned counsel for the first informant states that the respondent No. 2 is willing to accept the said amount. Mr. Kadam, the learned counsel for the applicant submits that the balance amount of Rs. 25,000/- would be paid by the end of January, 2024 as the applicant is not in a position to make the payment on account of the circumstances in which he finds himself.

6. The aforesaid amount of Rs. 75,000/- represents the amount which the first informant claims to have paid to the applicant as tabulated in para No. 3.14 in affidavit in reply filed on behalf of the first informant/ respondent No. 2.

7. I have perused the allegations in the first information report. Prima facie, it appears that the applicant and first informant were in a relationship. The relationship between the parties lasted for more than five years. It appears that the first informant was also aware of the marital status of the applicant as the first informant

alleges that the applicant kept on promising her that he would obtain divorce from his first wife. The allegations of this nature relate to the year 2017. Indeed there are allegations of forcible intercourse and subjecting the first informant to physical cruelty. However, the allegations are required to be seen in the totality of the circumstances. The sexual intercourse prima facie appears to be consensual.

8. In the circumstances, at this length of time, the custodial interrogation of the applicant does not seem to be warranted.

9. As the applicant is on interim protection, since 22nd February, 2023 I am inclined to exercise the discretion in favour of the applicant.

10. In the event of arrest in C.R. No. 567 of 2022 registered with Sangvi police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

11. The applicant shall cooperate with the investigation and attend Sangvi police station, on 26th and 27th December 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

12. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of

the case.

13. The applicant shall regularly attend the proceedings before the jurisdictional Court.

14. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)