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

ANTICIPATORY BAIL APPLICATION NO.564 OF 2023

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Rahul Pandurang Sanap

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

WITH

INTERIM APPLICATION NO.788 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.564 OF 2023

Komal Kishor Khedekar

... Applicant

In the matter between

Rahul Pandurang Sanap

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Angela Singh with Mr. Anuj Singh i/by SBG Law
for the applicant in ABA.

Mr. Vaibhav Kulkarni for the applicant in IA.

Mrs. Veera Shinde, APP for respondent No.1/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.I-002 of 2023 dated 2 January 2023 registered with Mundhwa Police Station, Pune for the offence punishable under Section 354, 354-A, 354-D, 506, 509 read with Section 34 of the Indian Penal Code,

1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. The victim lodged a report alleging that she was working as HR executive in Marriot Suites. The applicant was her senior. Since October 2022, he started making sexual advance and passed lewd remarks. On 12 December 2022 he called her to his cabin made gestures and outraged her modesty. He also demanded sexual relations. He threatened her not to disclose it to anybody. On 13 December 2022, she send message to General Manager and sought appointment. She narrated the incident to him. She was not informed whether any action was taken. On 22 December 2022 the applicant again repeated same incident. On 24 December 2022, co-accused Vinod came to her cabin along with applicant and made gestures and also passed filthy comments. Both of them threatened her to kill. On 26 December 2022 she complained about behavior of the applicant to senior and informed that she want to resign. On 27 December 2022 she was followed home by the applicant. She stopped going on work from 31 December 2022. The applicant, therefore, lodged complaint on 2 January 2023.

3. The applicant, therefore, filed application under Section 438 of the Criminal Procedure Code, 1973 seeking pre-arrest protection before the learned Sessions Judge which came to be rejected by order dated 3 February 2023. The applicant, therefore, filed present anticipatory bail application.

4. According to applicant, he has been falsely implicated. No incident as alleged took place. Relying on transcript of WhatsApp

chat between the applicant and informant during relevant dates, i.e. 12 December 2022 to 27 December 2022, he submitted that there is no indication in the WhatsApp chat regarding alleged incident. He, therefore, submitted that custodial interrogation of the applicant is not necessary.

5. Learned advocate for the victim submitted that the offence is serious. Prima facie case is made out against the applicant. Statement recorded under Section 164 is yet to be recorded. She is ready to depose against the applicant giving details of incidents. According to him, therefore, custodial interrogation of the applicant is necessary.

6. Having perused the material on record, it appears that there is reasonable doubt about the allegations made against the applicant. The investigating agency has produced on record transcript of WhatsApp chat between the applicant and informant for the month of December 2022. The alleged incident, according to informant, took place from 12 December 2022 to 27 December 2022. Perusal of WhatsApp chat indicates normal exchanges of messages between the applicant and informant on the date of incident. Except allegations in the report, there is no material on record supporting the allegations. Therefore, in my opinion, the applicant has made out a prima facie case for grant of relief under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.I-002 of 2023 dated 2 January 2023 registered with Mundhwa

Police Station, Pune for the offence punishable under Section 354, 354-A, 354-D, 506, 509 read with Section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR. Bond in the amount of Rs.50,000/- with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 10, 12 and 14 July 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

c) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;

d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

v) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

vi) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

7. The anticipatory bail application stands disposed of in above terms. No costs.

8. In view of disposal of the anticipatory bail application, nothing survives in the interim application and the same stands disposed of accordingly.

(AMIT BORKAR, J.)