

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 678 OF 2023**

Mohit Singh Sorout ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 944 OF 2023**

.....

Mr. Mayur Salunke alongwith Mr. Saiprasad Hole for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Shirish Gupte, Senior Advocate alongwith Mr. Rushikesh Barge for the Intervenor.

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CORAM : N.R. BORKAR, J.

DATED : 17 MARCH 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. 608 of 2022 registered at Yerawada Police Station, Pune for the offences punishable under Sections 376, 377, 504, 506 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Senior Counsel for the Intervenor.

4. The allegations against the present applicant, who is the husband of the victim are inter-alia of rape and unnatural sex. The victim was married to the applicant on 28 November 2021. According to the victim, after few days of marriage, the applicant started ill-treating her on account of demand of dowry.

5. The alleged incident took place on 20 December 2021. On the date of incident, the victim and the applicant were at victim's parents house, where they had come for puja.

6. According to the victim, on the date of incident the applicant had demanded Rs.10 lakhs to her father for his business, however, her father showed his inability to pay the said amount. It is alleged that when the parents of the victim were not at home, the present applicant started quarreling with her. It is alleged that when she told the applicant that his demand is not justified, he started abusing her in filthy language, pushed her on bed and forcibly committed vaginal and anal intercourse with her.

7. The Sessions Court rejected the application filed by the applicant for anticipatory bail inter-alia on the ground that the applicant after obtaining interim anticipatory bail, tried to flee away from India.

8. The learned Counsel for the applicant submits that in the interim order passed by Sessions Court, the condition that the applicant shall not leave India was not imposed. However, it appears from the order

of the Sessions Court that the interim order was passed subject to the applicant co-operating in the investigation. It was thus incumbent upon the applicant to intimate about his travel plan to the investigating officer. Admittedly the applicant was stopped at the Airport, while he was trying to board the flight for Dubai. The only inference which can be drawn from all these facts and circumstances is that the applicant had clandestinely tried to flee away from India.

9. The learned Counsel for the applicant submits that applicant had thereafter attended the concerned police station. However, considering the overall facts and circumstances of the case, I am not inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is rejected.
- (ii) In view of disposal of anticipatory bail application, interim application also stands disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
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