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

ANTICIPATORY BAIL APPLICATION NO.842 OF 2023

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Sunil Sadashiv Masal

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket U. Nikam i/by Mr. Ashish Satpute for the applicant.

Mr. Pandurang H. Gaikwad for respondent/State.

Ms. Priyanka Chavan, advocate appointed as Legal Aid for victim.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.100 of 2023 dated 18 February 2023 registered with Baramati Taluka Police Station, District Pune for offences punishable under Sections 376, 323, 504, 506 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. According to applicant, she got married with one Arjun Shinde in the year 2015 and is residing separately from her husband. Divorce proceedings between them are pending. In August 2021 when she was searching a job for her brother, she

came in contact with the applicant. She introduced her brother to the applicant. The applicant told her that he will provide driver's job to her brother and he will buy second hand tempo for her brother. In February 2022, the applicant bought a second hand tempo for complainant's brother by taking loan from the bank. In return of said help, the applicant tried to come closer to the informant and demanded sexual favors. The informant refused.

3. It is alleged that on 23 February 2022 the applicant called informant to a place at Tarangan Girls Hostel and thereafter took her to one flat and committed forcible sexual intercourse with her. He threatened her not to disclose said incident to anyone. Thereafter, the applicant committed forcible sexual intercourse with the applicant from time-to-time. It is alleged that the applicant used to call informant to various places and under the threat of killing herself and her brother he committed forcible sexual intercourse with the informant. Finally on 15 November 2022 the applicant came to the place of residence of the informant and tried to force him on her demanding sexual favors. On her refusal, he left the premises. She, therefore, lodged report with concerned police station on 18 February 2023.

4. Having heard learned advocate for the applicant, learned APP and learned advocate appointed for the victim, prima facie it appears that the incidents as alleged range between March 2022 till November 2022. There are multiple incidents of sexual intercourse. Prima facie it appears that the informant went to the places as directed by the applicant. The last incident of refusal is of 15 November 2022. Report is lodged on 18 February 2023. The

statement under Section 164 indicates that the applicant refused to pay installment of vehicle purchased by the informant's brother. The informant is 29 years old married lady.

5. On overall circumstances referred above, it prima facie appears that the applicant is entitled to pre-arrest protection 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.100 of 2023 dated 18 February 2023 registered with Baramati Taluka Police Station, District Pune for offences punishable under Sections 376, 323, 504, 506 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. 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 first Saturday of every month between 11.00 a.m. to 2.00 p.m. till completion of trial;
- 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;
- e) 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;

f) 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;

g) The applicant shall not contact the informant, directly or indirectly.

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

(AMIT BORKAR, J.)