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

**ANTICIPATORY BAIL APPLICATION NO.1020 OF 2023**

Ravindra Rajendra Goyal

...Applicant

vs.

State of Maharashtra & Anr.

...Respondents

Mr. Akram Kapoor with Simran Shaikh for the Applicant.

Mr. A. R. Kapadnis APP for the Respondent-State.

Mr. Vinayak Jadhav, API, Nayanagar police station present.

**CORAM : S. M. MODAK, J.**

**DATED : 13TH APRIL 2023**

**P. C. :**

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The Applicant is seeking anticipatory bail in connection with C.R. No.95 of 2023, registered with the Mira Road police station on 14/03/2023, for the offence punishable under section 376(2)(n), 328, 500 and 506 of IPC.
3. Learned Advocate for the Applicant read over from averments in the FIR and also invited my attention to the documents annexed to the Application. It consists of various photographs, What'sApp

messages and certain vouchers. According to him, without admitting the allegations, it can be said that it is the case of consensual sex. It is submitted that custodial interrogation is not required. Whereas according to learned APP, it is important to consider that present Applicant is aged about 40 years and is married having two sons. The victim is aged only about 18 years and 8 months.

4. Learned APP tried to explain under what circumstances the Applicant had sexual intercourse with the first informant on various occasions.

5. I have perused the FIR. The father of the first informant was arrested in a case in the State of Chhattisgarh. The first informant alleges that the Applicant has assured all sort of help so that father of the first informant will be released on bail.

6. It is true that there is no male member in family of the first informant. Even the Applicant is residing in their room. It seems that by gaining confidence of female members of family, the Applicant had intercourse with the first informant on various occasions. The duration is from 4th July 2022, upto 11th March 2023.

7. Learned APP invited my attention to statement of watchman. He has stated that after few incidents, he has seen the first informant crying. My attention is also invited to statement of the first informant recorded under section 164 of the Code of Criminal Procedure. It is true that in the FIR and in said statement apart from other details, she has stated that they were threatened, if the complaint will be lodged. It is true that the names of those persons is not there in the FIR. Whereas statement recorded under section 164 of the Code of Criminal Procedure, the names were there.

8. On this background, when I have perused the papers submitted along with Application, one can find that there are photographs in which the Applicant, first informant, her family members and two sons of the Applicant are seen. The photographs are taken at various places. It seems both of them have also visited certain places even out of Maharashtra. The What'sApp messages show that they were interacting with each other including financial assistance.

9. So if the above material is perused, one can say that it is case of consensual intercourse. I do not think that custodial interrogation is required. If there is certain objectionable material in the mobile handset and laptop, he can be directed to handover the same.

10. Learned Advocate for the Applicant has shown willingness to produce mobile handset and laptop of the Applicant. In view of that the case is made out for grant of anticipatory bail. Hence, the following order is passed :

O R D E R

- (a) In the event of arrest, the Applicant-Ravindra Rajendra Goyal be released on bail on furnishing personal bond and surety bond of Rs.25,000/- in connection with C.R. No.95 of 2023, registered with the Mira Road police station on 14/03/2023, for the offence punishable under section 376(2)(n), 328, 500 and 506 of IPC.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant shall give attendance to the concerned police station on every Friday from 10 am to 12 noon, till filing of the charge-sheet.
- (d) The Applicant to handover his mobile handset and laptop to police. This direction is given in view of willingness shown by learned Advocate for the Applicant.

(e) Needless to say, violation of the conditions above will make the Applicants liable for cancellation of anticipatory bail, after notice to the Applicant.

11. Application is disposed of accordingly.

12. These are my prima facie observations and the trial Court shall not be influenced by that.

13. All the parties to act on an authenticated copy of this order.

**[S. M. MODAK, J.]**