

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

ANTICIPATORY BAIL APPLICATION NO. 783 OF 2019

Mangesh Pitambar Pawar ... Applicant
v/s.
The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 875 OF 2019**

Shanyog Shriniwas Gautam ... Applicant
v/s.
The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2742 OF 2019**

Jalil Ahmed Budaye ... Applicant
v/s.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 523 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO. 2742 OF 2019**

Rev. Fr. Benedict Kerketta ... Intervenor

In the matter between :-

Jalil Ahmed Budaye ... Applicant
v/s.
The State of Maharashtra Respondent

Mr. Sujit Mane a/w. Mr. Vincent D'Silva a/w. for the
Applicant in ABA/562/2019.

Mr. S.V. Gavand, APP for the State.

Mr. Meghshyam Narvekar a/w. Mr. Sandeep Naik for the Applicants
in ABA/783/2019, ABA/875/2019, ABA/2742/2019 and
for the Respondent No.2 in ABA/562/2019.

Mr. Dinesh Vishwakarma a/w. Vincent D'Silva for the

Intervenor in IA/523/2020.

Ms. Smita Patil, Dy.S.P., CID, CBD Belapur a/w.

Mr. Vishal Sawant, PI present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th JUNE, 2023.

P. C. :-

. The Applicants seek pre-arrest bail under section 438 of Cr.P.C. apprehending their arrest in C.R.No.46/2019 registered at Kherwadi Police Station, Mumbai for offences punishable under section 384 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicants, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Fr. Benedict Karketta. A perusal of the records prima facie reveal that one of the Assistant Teachers of the school had lodged the FIR in the year 2019 against the Principal of the school alleging that he had outraged her modesty in the year 2013-14 and sexually abused her in the year 2017. She had claimed that she had recorded the intimate relationship between her and the accused in C.R.No.23/2019 in a spy camera. It is the case of

the prosecution that the prosecutrix had handed over the spy camera to these Applicants who have used the said video recording to blackmail the Principal and obtain question papers. Learned APP states that the prosecutrix had not handed over the spy camera or the original recording to the Investigating Officer but had handed over only a pen drive.

4. This Court (Coram : Sandeep K. Shinde, J.) by order dated 16/12/2019 had granted interim bail to the Applicants. Learned APP states that pursuant to the said order, the Applicants have reported to the Investigating Officer and that they have been interrogated. No case is made out for custodial interrogation. It is seen that though the crime is of the year 2019, the investigation has not been completed till date. No justifiable reasons are given for the delay in conducting investigation. Considering the above facts and circumstances, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Applications are allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.46/2019 registered at Kherwadi Police Station, Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer as and when required ;

(c) The Applicants shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Applications for Anticipatory Bail stand disposed of. Interim Application stands disposed of in view of disposal of ABAs.

(SMT. ANUJA PRABHUDESSAI, J.)