

Atul @ Revansiddh Atul Yadav ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Rahul Kate for the Applicant.
Ms Rutuja Ambekar, APP for the State.
Mr. Ganesh More, PSI, Deccan Police Station, Pune, Present.

DATED : 19 JANUARY 2023

This is an application under Section 438 of the Code of Criminal Procedure.

4. The name of the present applicant is Revansiddh Atul Yadav. The prosecutrix has, however, while lodging the report referred to him as Atul Yadav. Thus, on 9 December 2022, the following order was passed :

“The learned counsel for the applicant submits that FIR is against Atul Yadav, whereas the name of the applicant is Revansiddh Atul Yadav.

2. The learned APP seeks time to seek clarification from the Investigating Officer.

3. At the request of the learned APP, stand over to 21 December 2022.

4. Till the next date the applicant shall not be arrested.”

5. It appears that thereafter the supplementary statement of prosecutrix came to be recorded. I have perused her supplementary statement. It appears from supplementary statement that even in statement recorded under Section 164 of the Cr.P.C. she has referred to applicant by altogether different name i.e. Om and there is no explanation in supplementary statement for the same. She has further stated that inadvertently while lodging the report she has given the wrong registration number of the vehicle used by the applicant to take her to the hotel at Phaltan from Pune, where he allegedly committed rape on her. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in Crime No. 132 of 2022 registered at Deccan police station, Pune for the offences punishable under Sections 376, 427, 506 of the Indian Penal Code, he shall be released on anticipatory bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)