



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 400 OF 2023

VISHAL @ BALIRAM SANTRAM KAPARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Swapnil S. Rathi, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondent Nos.1 & 2 – State
Mr. Sambhaji S. Tope, Advocate for Respondent No.3
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.41/2023, registered with Modha Police Station, Parbhani, for offence punishable under Sections 341, 354, 363, 376, 376(2)(n), 504, 506 of the Indian Penal Code.

2. Victim has lodged FIR on 15/02/2023, alleging that her father is private contractor. Her mother had been to Shivaji Nagar for purchasing new house, where she got acquainted with applicant, as applicant is a contractor. He used to visit house of informant. Informant's family had good relations with applicant and therefore, applicant was having her mobile number. In the month of September, 2022, applicant took her in car and told her that he has learnt about her affair and if her father knows about it, he will have heart attack and only he can save her from that situation. He further told that her ex-boyfriend has photographs of her affair and

he can make those photos viral. Those photos could be obtained from him. Her affair photos are also received on his friend Aarti Rodge's mobile phone, who is residing at Selu. Saying so, he stopped vehicle on the bridge of Rahati river. Since informant was feeling guilty she alighted from vehicle and was proceeding towards railing of the bridge to commit suicide. At that time, applicant convinced her and brought her back to the vehicle. He then took her to Aundha Nagnath temple and left her at 06:00 p.m. at Parbhani. Informant thereafter returned to her home. Thereafter, applicant started messaging on informant's cell phone, thereby threatening her that he will disclose her affair to her parents. Such threats were also extended by him by calling her on her mobile phone. In the month of September, 2022, applicant thrice took informant at Selu to meet Aarti Rodge, but Aarti did not meet even once. Informant never saw her. Thereafter, in the same month applicant tried to establish physical contact with informant, but informant resisted him. In the month of November, 2022 applicant committed rape on informant. He threatened her that if she discloses about it to anybody he will tell her parents about her affair. Because of the said incident, informant thought of committing suicide. About 7 to 8 days back, she wrote suicide note, however, after thinking about her parents she dropped the said thought. Suicide note was kept by her below a book in study room. On that day, her mother was cleaning her study room and she found the suicide note. Then her parents

took her in confidence and asked about the same. She, therefore, claimed that she was blackmailed and raped by applicant.

3. Heard learned APP for respondent Nos.1 and 2 – State, learned advocate for applicant and learned advocate for respondent No.3. Perused the investigation papers.

4. Learned advocate for applicant submits that there were business transactions between applicant and parents of informant and due to same applicant is falsely implicated in present crime. He sought to rely upon some bank transactions showing amounts transferred by applicant to parents of victim. He submits that there is delay in lodging the FIR. He submits that since charge-sheet is filed, custody of applicant is not necessary.

5. Learned APP assisted by learned advocate for victim have strenuously opposed the application by relying on charge-sheet.

6. Charge-sheet is filed against applicant under Section 299 of Cr.P.C. The investigation papers reveal *prima facie* involvement of applicant in present crime. Messages exchanged between informant and applicant *prima facie* supports the allegations of informant about applicant blackmailing to her. Medical certificate of victim also *prima facie* supports the allegations of informant.

7. Considering the gravity of accusations and complicity of applicant in present crime, his custodial interrogation is necessary. Applicant, therefore, does not deserve relief of anticipatory bail.

8. In the result, application is rejected.

9. At this stage, learned advocate for applicant submits that interim protection is granted to applicant since last more than 11 months and the same may be continued. Interim protection granted to applicant is continued for a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)