

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

ANTICIPATORY BAIL APPLICATION NO. 1653 OF 2024

Atul Rambhau Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Ritesh Thobde a/w Ms. Ankita Pramod Rai, Mr. Changdev Shingade and Ms. Zubi Ansari, for the Applicant.
- Mr. Sagar R. Agarkar, APP for the State.
- Mr. S.P. Mule, Police Naik, Barshi City Police Station.

CORAM : MANISH PITALE, J.

DATE : 25th JUNE, 2024.

P. C. :

1. Heard, Mr. Ritesh Thobde, learned counsel for the applicant and Mr. Sagar Agarkar, learned APP for the State.

2. The applicant has filed the present application apprehending arrest in connection with First Information Report No.0368 of 2024 (FIR) dated 27th April, 2024, registered at Police Station Barshi City, for the offences under Sections 376(2)(n), 354, 504, 506 r/w 34 of the Indian Penal Code (IPC).

3. There are two accused persons in the present case, one of whom is the applicant. The informant is a married lady aged about 32 years, who gave her statement, which led to registration of the FIR, on 27th April, 2024, alleging that the incidents in question took place between 31st May, 2020 to

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11th April, 2024. This Court is informed that the co-accused person is already arrested.

4. The learned counsel for the applicant submits that although the offences registered in the present case are serious, the statement of the informant would show that the allegations pertaining to forcible sexual intercourse are against the co-accused, who is already arrested. It is submitted that the allegations against the applicant, as a friend and associate of the co-accused person, really pertained to August, 2022 and there is a stray sentence closer to the date 11th April, 2024, in the aforesaid statement. It is submitted that, taking into consideration the aforesaid allegations, it would become evident that the FIR is belated, apart from the fact that the informant appears to have been roped in the applicant without any real grievance against him. It is submitted that perhaps when the relationship between the informant, who is a married lady, and the co-accused person, who is also a married man, came to light, that the informant went to the police for registration of the FIR.

5. On the other hand, learned APP submitted that there are indeed specific allegations against the applicant, which are serious in nature, to the effect that the applicant had threatened harm to the children of the informant and he was also stalking the husband of the informant. It was confirmed that the co-accused is already behind bars.

6. This Court has considered the rival submissions in the light of the statement of the informant, which led to registration of the FIR. A perusal of the said statement shows that the thrust of the grievance of the informant appears to be against the co-accused person, who is the alleged to have had forcible sexual intercourse with the informant. The allegation of the photos and videos of the informant being made viral is also against the co-accused. The first incident, even according to the informant, pertains to the year 2020 and it is for the first time on 27th April, 2024, that the informant approached the police.

7. As regards allegations against the applicant, the statement of the informant reveals that some time in August 2022, the applicant had allegedly threatened the informant that he would cause harm to her children if she did not revive her contact with the co-accused person.

8. Thereafter, there is a reference to the applicant allegedly stalking the husband of the informant along with the co-accused person. No specific date is mentioned, although in that context it is stated that on 11th April, 2024, the informant called the co-accused person, asking him to desist from such activity.

9. A perusal of the aforesaid statement gives an impression to this

Court that insofar as the allegation against the applicant advancing threats to the informant is concerned, it pertains to August, 2022, which is about two years prior to registration of the FIR and there is a stray sentence in the statement alleging that along with the co-accused person, the applicant was stalking the husband of the informant.

10. This Court is of the opinion that since there is no allegation against the applicant regarding forcible sexual intercourse with the informant or any specific allegation about the applicant threatening to make photos and videos of the informant viral, a *prima facie* case is indeed made out in favour of the applicant.

11. In view of the above, the application is allowed in the following terms :

- (A) In the event of the applicant is arrested in connection with First Information Report No.0368 of 2024 dated 27th April, 2024, registered at Police Station Barshi City, for the offences under Sections 376(2)(n), 354, 504, 506 r/w 34 of the Indian Penal Code (IPC), he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one or two sureties in the like amount to the satisfaction of the Trial Court.

- (B) The applicant shall appear before the Investigating Office on 28th June, 2024 between 10.00 a.m. and 12.00 noon and thereafter, as and when called upon by the Investigating Officer.
- (C) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (D) The applicant shall co-operate with the investigation and also in the proceedings before the Trial Court.

12. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

13. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application stands disposed of.

(MANISH PITALE, J.)