



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

ANTICIPATORY BAIL APPLICATION NO. 1917 OF 2023

Abhijit Vishwanath Bhosale

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr.Vivek N. Arote:-	Advocate for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent No.1 -State.
Mr.Tukaram S. Shendge:-	Advocate for Respondent No.2.

CORAM : S. M. MODAK, J.

DATE : 9th MAY 2024

P. C. :-

1. Heard learned Advocate for the Applicant, learned APP and learned Advocate for Respondent No.2.
2. Even though the allegations are serious and there are materials to support those allegations, the Applicant is seeking disadvantage of the situation. The fact that on 13th July 2023, an '*interim protection*' was granted. There was some issue raised about medical case papers and learned APP was asked to verify the medical opinion.

3. Today, it is pointed out that provisional medical opinion is given. It is on Page No.42. The doctor has opined sexual intercourse may have happened, however, final opinion will be given after lab report. Final opinion is not pointed out to me. In the meantime, the Police have filed the charge-sheet on 8th August 2023. One issue is raised on behalf of the First-Informant. The Applicant has taken disadvantage of the '*interim protection*' and not taken steps even serving the Respondent No.2 in time and taking further orders from the Court. This is evident because copies were not served till 13th December 2023. The first returnable date is on 31st August 2023, however, charge-sheet is filed on 8th August 2023 only. So, even though the allegations are serious, this Court is not having any alternate but to confirm the '*interim protection*'.

4. Learned Advocate for the First-Informant placed on record a letter written by the victim. It is taken on record and marked as Annexure-X. She has reiterated the abuses and the apprehension from the Applicant. I think, strict conditions can be imposed. Hence, order:-

ORDER

(i) The interim order dated 13th July 2023 is confirmed subject to

following conditions:-

- (a) The Applicant not to enter Khandala Taluka except for attending the Court till the conclusion of the trial.
 - (b) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
 - (c) If any of the conditions are breached, his anticipatory bail is liable to be cancelled, after notice.
5. In view of the above, Application is disposed of.
6. Learned Advocate for the Respondent No.2 be paid fees as per the Rules.

[S. M. MODAK, J.]