

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

ANTICIPATORY BAIL APPLICATION NO. 421 OF 2024

Viraj Ravikant Patil
Versus
State of Maharashtra

..Applicant
..Respondents

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Mr. Satyam H. Nimbalkar i/b. Abhishek U. Arote for Applicant.
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

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**CORAM :- SARANG V. KOTWAL, J.
DATE :- 14 FEBRUARY 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.42 of 2024 registered at Vimantal Police Station, Pune, on 26.01.2024, under Sections 376, 376(2)(n), 377, 323, 504 and 506 of the Indian Penal Code and under Sections 3 and 25 of the Arms Act.

2. Heard Mr. Satyam Nimbalkar, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. At the outset, it must be mentioned that the applicant's

anticipatory bail application vide Criminal Bail Application No.683 of 2024 is pending before the Additional Sessions Judge, Pune. The applicant's prayer for interim bail pending that application was rejected and, therefore, the applicant is apprehending his arrest in connection with that offence.

4. Learned counsel for the applicant submitted that the applicant's prayer for interim relief was rejected on 05.02.2024 and then the application was posted for further consideration on 17.02.2024. He submitted that, on that date, the learned Judge who is assigned this matter is on leave, therefore, on that date also the matter is not likely to proceed. He submitted that, some protection needed to be granted to the applicant as his application is still pending. If the applicant is arrested, his application would become infructuous and he would be deprived of approaching this Court which has concurrent jurisdiction U/s.438 of the Cr.p.c. He also invited my attention to the statement of the victim in the form of F.I.R. He submitted that the relationship was consensual in nature and, therefore, no offence is made out.

5. Learned APP submitted that, since the offence is serious, the learned Additional Sessions Judge was justified in rejecting the applicant's prayer for interim relief.

6. I have considered these submissions. Since the application is pending before the Additional Sessions Judge, it would not be proper to comment on the merits of the matter. However, I have perused the F.I.R. and in my opinion, at least interim relief should have been granted to the applicant. In any case, the learned Judge has observed that, apprehension of arrest of the applicant is not reasonable. This observation is also not correct. The applicant has reasonable apprehension of being arrested because the allegations are of commission of offence punishable U/s.376 of the I.P.C. The application is posted on 17.02.2024 and it is not likely to be heard on that day. Therefore, the applicant's application eventually may become infructuous if he is arrested. In this situation, it would be appropriate if the applicant is protected by ad-interim order till his application before the Sessions Court is decided. In the meantime, he can be directed to co-operate with the investigation.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.42 of 2024 registered at Vimantal Police Station, Pune, till his Criminal Bail Application No.683 of 2024 is decided by the Additional Sessions Judge, Pune, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police as and when called and shall cooperate with the investigation.
- iii) It is made clear that the learned Additional Sessions Judge, Pune shall decide the said application on it's own merits in accordance with law.
- iv) The application is disposed of.

(SARANG V. KOTWAL, J.)