

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

ANTICIPATORY BAIL APPLICATION NO. 1130 OF 2024

Ajit Gorakh Gholap

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Hrishikesh Giri a/w. Swapnil Chopad and Ashwini Jadhav for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25 APRIL 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.228 of 2021, registered at Phaltan city Police Station, Satara, on 23.05.2021, under sections 364-A, 384, 386, 389, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Hrishikesh Giri, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. In this matter the charge-sheet is already filed. The story of the prosecution is reflected in the statement given by the victim Sangram Thombre as the F.I.R. which is given on

23.05.2021. He has stated that, he was in the business of selling the vegetables. He had taken a shop from one Madhukar Choudhary. He had a pick-up van. On 15.05.2020, the present applicant approached him and told him that, he knew one purchaser who wanted to purchase vegetables from the informant. As per his representation, the informant went with the applicant to Manas Plaza building at Phaltan. The applicant brought him there and told him that the prospective purchaser of his vegetables was sitting in Flat No.3. Therefore, the informant went there. He saw Raju Boke, Manoj Hipparkar and Rohit Bhandalkar in that flat. There was a girl. All of them assaulted the informant. They removed his clothes and they took photographs of the informant with that girl for the purpose of blackmailing him. After that, he was brought down. The applicant and one Vijay forcibly took him near a stream. The other accused helped them. All of them assaulted him. They told him that, he would be taken to the police station and they would lodge a complaint of rape against him. They blackmailed him to pay Rs.20 lakhs, if he wanted them to not to lodge the complaint. The F.I.R. mentions that, at different

points, he paid Rs.15 lakhs. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the incident is dated 15.05.2020 and the F.I.R. is lodged on 23.05.2021. It is lodged after one year. There is absolutely no explanation as to why the F.I.R. was not lodged immediately if the incident was true. He submitted that the applicant did not receive any money from the informant or from anybody else. There is hardly any material against the applicant in the entire charge-sheet. The investigation is over. The applicant was always available but he was not arrested.

5. Learned APP opposed these submissions based on the allegations made in the F.I.R. However, she could not explain as to why the F.I.R. was lodged after more than one year. The informant had not explained this fact anywhere during investigation. She could not offer any explanation as to why the applicant could not be arrested since 2021 after registration of the F.I.R. She only submitted that the applicant was absconding, but she could not point out as to what efforts were made to arrest him.

6. I have considered these submissions. There is force in the submission of learned counsel for the applicant that the F.I.R. is lodged after one year without any explanation. This is inordinate delay without explanation. Therefore, the prosecution story becomes doubtful. In any case, the incident is old, the investigation is already over and the charge-sheet is already filed. There are no serious efforts made to arrest the applicant for about three years. Therefore, I do not see any propriety in the police arresting the applicant for custodial interrogation after all these years. Considering the delay, there is a reasonable doubt created about the prosecution story; however, that will be decided by the Trial Court. At this stage, the learned counsel for the applicant has made out a case for grant of protection U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.228 of 2021, registered at Phaltan city Police Station, Satara, 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 Application is disposed of.

(SARANG V. KOTWAL, J.)