

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO.1579 OF 2023

Nandu Gridhar Pawar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Digitally
signed by
SHABNOOR
AYUB
PATHAN
Date
2024.05.03
16:22:30
+0530

Mr. Vaibhav Chandanshive, for Applicant.

Mr. Sangharsh Arun Apte, for Respondent No.2.

Mr. Pankaj P. Deokar, APP for State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : MAY 3, 2024

P.C.:

1. Apprehending arrest in connection with F.I.R bearing C.R. No.10 of 2023 registered at Chikhli police station, Pune for offences punishable under Sections 376, 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Protection of Child from Sexual Assault Act, 2012. The applicant has filed present application under Section 438 of the Criminal Procedure, 1973.

2. According to the prosecution, the applicant has committed sexual intercourse with the victim on 2 December 2018 when he was in her residence. After the said incident, the applicant allegedly promises to perform marriage with the victim. According

to the prosecution, on 19 August 2020, the applicant performed marriage with the victim after completion her age of 18 year. Thereafter, the applicant and his parents physically and mentally harassing the victim. With resulting into registration of the F.I.R. on 3 January 2023.

3. This Court, by order dated 5 June 2023 granted interim protection to the applicant. During pendency of the present application, it is alleged that the applicant threatened the victim with severe consequences, if she does not withdraw the case against the applicant. In furtherance of the order passed by this Court, the investigating officer has filed affidavit in relation to registration of F.I.R of causing threats to the victim. In the statement recorded by the investigating agency, the applicant denied the incident of the affidavit stating that the applicant was present in the Court on the date of incident. Therefore, taking into consideration the nature of allegations against the applicant and considering the fact that the investigation is completed and charge-sheet is filed, in my opinion, interim relief granted by this Court on 5 June 2023 needs to be confirmed.

4. However, the apprehension expressed by the victim for threatening her during pendency of the application can be taken care by imposing stringent conditions on the applicant. Hence, following order:

(a) Interim relief granted by this Court on 5 June 2023 is confirmed subject to same conditions with an additional condition that the applicant shall not directly or indirectly

make any inducement, threat, or promise to victim or any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or from withdrawal of prosecution against the applicant.

(b) The applicant shall co-operate with investigation, and shall mark his present before the concerned police station on first Monday of every month between 11:00 a.m. to 2:00 p.m.

(c) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

(d) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned and in case change of address he shall intimate the investigating officer about the change of the address within two weeks from the date of such change.

5. In case of breach of any condition, it shall be open for the investigating officer to apply before the Trial Court for cancellation of bail.

6. The anticipatory bail application allowed in above terms.

(AMIT BORKAR, J.)