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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3854 OF 2022

Pankaj Suresh Singh

....Applicant

vs.

The State of Maharashtra
Through the Police Inspector,
Vartaknagar Police Station,
District-Thane.

...Respondent

....

Mr. Abhishek Kulkarni, a/w. Mr. Sagar Wakale, for the Applicant.

Ms. Anamika Malhotra, APP, for State/Respondent.

Mr. D.B. Vele, API, Vartaknagar Police Station, Thane.

....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 10th JANUARY, 2024

P.C. :

1. By this application under Section 439 of Code of Criminal Procedure, the applicant prays for his release on bail, who has been arrested by Vartaknagar Police Station for the offences punishable under Sections 376, 366, 324, 323, 504, 506(2) of the Indian Penal Code.

2. Shorn of unnecessary details, a few facts germane for disposal of this the application can be summarized as under.

3. Victim, who was then aged about 21 years, lodged a report with the Vartaknagar Police Station. She alleged that while studying in 11th standard in the year 2019, the applicant used to follow her on motorbike. In the month of July, 2019, she was intercepted by the applicant, who was riding a motorbike. Thereafter, he continued following her and was attempting to talk to her. He tried to befriend with her. She also refused to give her mobile number.

4. Subsequently, on one day, she received a call from mobile number 7208888248 on her mobile number 97028588833. The caller asked her name. She realized that it was the applicant, who had been following her. Subsequently, she realized that his name was Pankaj Suresh Singh. The applicant, thereafter, continued to extend threats to the first informant and always tried to establish contact either personally or through mobile phone. He threatened her that if she refuses to be a friend, he would eliminate her parents.

5. On 9th October, 2021, around 7.00 p.m., the applicant came beneath the building where the informant used to reside. The informant had been to a medical shop. The applicant, who was under the influence of liquor, snatched her mobile and tried to kidnap her on the motorbike. However, when the passerby rescued the informant from the clutches of the applicant, he forcibly kidnapped her in an auto rickshaw and took her to his house. He assaulted the informant resulting into injuries on her nose and head. She was scared due to the

threats given by the applicant. The applicant took her at Chintamani Apartment, Room No.6, Vartaknagar, Thane. He was alone at home. Thereafter, he had threatened her of dire consequences and then committed rape upon her. The informant fell unconscious. However, on the following day, she escaped from the house of the applicant and, thereafter, a report came to be lodged.

6. The Investigating Agency, after conducting investigation into the crime and, after having recorded the statements of the witnesses, filed a charge-sheet against the applicant.

7. At the outset, learned Counsel for the applicant has invited my attention to the fact that both the applicant and the respondent were in relation since 2019 and were about to get married. Even before the incident, they had been to Uttar Pradesh together. The Counsel has invited my attention to the photographs at page 111, 112 and 113 indicating intimate relations between the applicant and the victim. According to the learned Counsel, it is only because of the strong resistance of the father of the first informant and, at his behest, the applicant has been falsely implicated under the serious charges of rape and threats as well as causing hurt to the first informant.

8. Learned APP is fair enough to submit that necessary orders in these peculiar facts and circumstances be passed.

9. Having considered the submissions made across the bar by the learned Counsel for the applicant as well as the learned APP and also in view of the fact of the consensual relations between the applicant and the informant, there is no point to continue his incarceration until the conclusion of the trial, which will not be over in near future. As such, following order is passed:

ORDER

- (i) The application is allowed;
- (ii) The applicant - Pankaj Suresh Singh be released on executing a P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Additional Sessions Judge, Thane in Sessions Case No.529 of 2022;
- (iii) The applicant shall attend the Vartaknagar Police Station, Thane on every 1st and 15th day of each month between 10.00 a.m. to 11.00 a.m. till framing of the charge;
- (iv) The applicant shall thereafter attend each date of the trial court;
- (v) The applicant shall not in any manner influence or tamper with any of the prosecution witnesses;

- (vi) The applicant shall furnish his permanent residential address as well as contact details to the Vartaknagar Police Station, Thane and shall also inform any change in the residential address or the contact number.
10. The application stands disposed of in the aforesaid terms.

(PRITHVIRAJ K. CHAVAN, J.)