

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

ANTICIPATORY BAIL APPLICATION NO. 321 OF 2024

Govind Sajjan Rathod

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Satyavrat Joshi i/b. Shivani Sunil Kondekar for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 5 FEBRUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.712 of 2023, registered at Panvel city Police Station, Navi Mumbai, on 28.12.2023, under Sections 376, 376(2)(n), 504 and 506 of the Indian Penal Code.

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

3. The F.I.R. is lodged by the victim herself. She has stated that, she was 33 years of age. She was residing with her parents

and a son aged 10 years. She was residing separately from her husband. In 2021, she got acquainted with the present applicant as he had offered to give her lift to her house in the night time. Their acquaintance developed into friendship. It is alleged that in May 2022, the applicant took her to his house. At that time, he established physical relations with the victim against her wish. Thereafter by giving her threats regarding life of her son, he kept physical relations with the victim. The F.I.R. mentions different dates and different places where they had their physical relations. There are allegations that the applicant was continuously harassing her even at her work place. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the first informant was a married lady and she was aware that she was not divorced. There was no false promise of marriage. The allegations in the F.I.R. show that, it was a consensual relationship. He produced some WhatsApp chats and some photographs in a closed envelope. He submitted that this shows that there was intimate relationship between the informant and the applicant.

5. Learned APP produced the statement of the informant recorded U/s.164 of the Cr.p.c. It has corroborated the F.I.R. However, she submitted that the investigating agency is not aware of the WhatsApp chats and the photographs. Therefore, to strike the balance it would be appropriate if the applicant is given an opportunity to approach the investigating agency with the WhatsApp chats and the photographs, so that, it can be verified from the first informant.

6. Considering the allegations, there is some element of a consensual relationship. At this stage, the applicant can be protected by ad-interim order with direction to co-operate with the investigation.

7. Hence, the following order.

ORDER

- i) Issue Notice to the Respondent No.2, returnable on 19.03.2024.
- ii) The Investigating Officer shall inform the Respondent No.2 about the pendency of this application and the next date of listing.

- iii) In the event of his arrest in connection with C.R.No.712 of 2023, registered at Panvel city Police Station, Navi Mumbai, till the next date, 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.
- iv) This order shall operate till 19/03/2024.
- v) The Applicant shall attend the concerned Police Station from 20/02/2024 to 23/02/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- vi) Stand over to 19/03/2024.

(SARANG V. KOTWAL, J.)