

**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/by Shivani S. Kondekar, for the Applicant.

Mr. Vinit A. Kulkarni, APP for the Respondent/State.

Mr. Ankit R. Upadhyay, for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd AUGUST, 2024

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1. The Applicant is seeking anticipatory bail in connection with C. R. No.712 of 2023 registered with Panvel City Police Station, Navi Mumbai on 28th December, 2023 for the offences under Sections 376, 376(2)(n), 504, 506 of IPC.

2. Heard learned counsel for the Applicant, learned APP for the Respondent/State and learned counsel for the Respondent No.2.

3. The FIR is lodged by the victim herself. She has stated that she was 33 years old lady. She was residing with her parents and a son aged 10 years. She was residing separately from her husband. According to her, in 2021, she got acquainted with the present Applicant as he had offered to give her a 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 her against her wish. Thereafter, by giving her threats regarding the life of her son, he kept physical relations with her. The FIR 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 FIR was lodged.

4. On the previous occasion i.e. on 5th February, 2024, learned counsel for the Applicant had submitted that the allegations show that it was a consensual relationship. The first informant was a married lady and therefore, there could not be any false promise of marriage. There were some messages exchanged and some photographs supporting the theory of consensual relationship. Considering those statements, this Court thought it fit to issue notice to the Respondent No.2 and had protected the Applicant by way of ad-interim relief. He was directed to attend the Police Station and co-operate with the investigation.

5. Today, the Respondent No.2 is represented by her counsel. He submitted that there was a disturbing incident on 26th June, 2024, wherein the Applicant had chased the victim and had assaulted her.

6. Learned APP after instructions from the Investigating

Officer produced the documents in respect of the incident dated 26th June, 2024. She initially lodged her NC at Panvel Railway Police Station. It was transferred to Vashi Railway Police Station *vide* NC No.74 of 2024 under Sections 323 and 504 of IPC. She has described incident of 26th June, 2024. She has stated that on 26th June, 2024, she was returning home to Panvel at about 07:30 p.m. The Applicant met her in the subway at Seawood Railway Station. The victim asked him to go away. She came to the platform No.1 and got in the train to Panvel at 07:49 p.m. The Applicant followed her in the same compartment. He abused her and assaulted on her neck, both hands and right leg. When the local train reached Panvel Station at 08:05 p.m., she went to Panvel Railway Police Station. She was immediately sent to Sub-District Hospital, Panvel. She was treated there. On these allegations, she lodged an NC. Her NC is supported by the medical certificate issued by the said hospital. It is mentioned that the victim was brought to the hospital by WPC attached to Panvel Railway Station with history of assault in the train at around 07:50 p.m. The victim has suffered abrasion on the left hand below the thumb of the size 2 X 0.2 cm. There was another abrasion on right forearm anterior aspect of 0.5 X 0.1 cm. and there was contusion on the right leg just below knee of the size 2 X 2 cm. Thus, it is clear that her allegations were not baseless. She was assaulted by the Applicant, which is reflected in the medical certificate. It is clear that the Applicant is following her and harassing her. He has assaulted the victim. The Applicant's conduct

supports the victim's FIR in the present subject matter that he was giving threats to her and under those threats and by harassing her, he continued to have physical relations with her. Considering all these circumstances, no protection can be granted to the Applicant under Section 438 of the CrPC.

7. The Application is accordingly dismissed.

(SARANG V. KOTWAL, J.)