

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

ANTICIPATORY BAIL APPLICATION NO.1277 OF 2024

Mahesh Mahadev Kamble Applicant
versus
The State of Maharashtra & Anr. Respondents
.....

- Mr. Ashok Mundargi, Senior Advocate a/w Amandeep Singh Sra a/w Sumit Erande i/b. Subir Sarkar, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.80/2024, dated 18/01/2024, registered with Vile Parle Police Station, Mumbai, under sections 376, 506 of the Indian Penal Code.
2. Heard Mr. Ashok Mundargi, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.
3. At the outset, learned APP seeks time as the Investigating Officer is not present and he does not have instructions.

4. Learned Senior Counsel for the Applicant submitted that the investigation is already over and the charge-sheet is filed, which is annexed to the present application.
5. Considering these submissions at the request of learned APP today I am adjourning the matter. However, I have heard the parties for consideration of ad-interim relief.
6. The FIR is lodged by the victim herself. She was 22 years of age. She was married in January 2019. She got acquainted with one Shadab. They became good friends and they used to be in touch through telephonic conversations. On 09/09/2023, he had given his mobile phone number to the informant. On 10/09/2023, she made a phone call and both of them decided to meet at Marine Drive. The informant went with Shadab at Marine Drive. At that time, Shadab introduced the present Applicant to the informant and told her that he was a politically strong person and was a leader of a political party and that he would give her a job.

7. On 09/10/2023, the informant made a phone call to Shadab. They decided to meet. Shadab went to her house in a taxi and both of them went near the domestic airport. The Applicant came there in his car. The informant and Shadab sat in his car. Shadab told them that they could go for a long drive. They went to PNT Colony, Sahar Road, Vile Parle (E), Mumbai. Shadab told them that he had some work. He told her that he would return shortly and went away. At around 09.45 p.m., the Applicant took his car inside PNT Colony. It was parked near some trees. It is alleged that he committed rape on her in the car. Then he took the informant outside the colony and left her there. He went away. It is mentioned in the FIR that the informant was under the fear of the Applicant because of his political connection and therefore she did not lodge her FIR immediately. However, since she was constantly disturbed by the incident, she finally decided to lodge FIR and the FIR was lodged on 18/01/2024.

8. Learned Senior Counsel submitted that the allegations

in the FIR, on the face of it are not true. The charge-sheet is already filed. The charge-sheet contains statements of the watchman of that colony, who has stated that there was no entry of such car at that time. The Applicant was travelling to Miraj at that very point of time and he boarded the train from Dadar station. His ticket was checked and his documents were also verified by the TT. This fact can be easily verified from the record with the railways. He submitted that the charge-sheet contains the CDR record of the present Applicant that shows that the Applicant was travelling at that point of time and therefore, the allegations in the FIR cannot be true.

9. I have considered these submissions and I have perused the submissions of both the watchmen Sunil Kumar and Nilesh. Their statements support the submissions of learned Senior Counsel. The question raised by the learned Senior Counsel will have to be responded to by the investigating agency. At this stage, learned Senior Counsel for the Applicant has made out a case for grant of ad-interim relief.

10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.80/2024, dated 18/01/2024, registered with Vile Parle Police Station, Mumbai, till the next date, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station 20/05/2024, 21/05/2024 and 22/05/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 20/06/2024.
- (iv) Stand over to 20/06/2024.

(SARANG V. KOTWAL, J.)