

**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, Sr. Advocate a/w. Amandeep Singh a/w.
Sumit Erande i/b. Subir Sarkar for Applicant.
Mr. Vithal B. Konde-Deshmukh for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 21 JUNE 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.80 of 2024, registered with Vile Parle Police Station, Mumbai, on 18.01.2024, under sections 376, 506 of the Indian Penal Code.
2. Heard Mr. Ashok Mundargi, learned counsel for the Applicant and Mr. Vithal B. Konde Deshmukh, learned APP for the State.
3. 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.

4. 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.

5. 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.

6. On the previous occasion, learned Senior Counsel had submitted that the allegations in the FIR, on the face of it are not true. The charge-sheet was 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 could be easily verified from the record with the railways. He had 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.

7. By the previous order dated 08.05.2024, I had noted the submissions of the learned senior counsel and I had sought response from the learned APP. I had also referred to the statements of the two watchmen Sunil Kumar and Nilesh which supported the submissions of the learned senior counsel. I had directed the applicant to attend the concerned police station between 20.05.2024 to 22.05.2024.

8. Learned APP, on instructions, states that after the said order dated 08.05.2024 the investigating agency has recorded the statement of one Rakesh Kamble who has supported the applicant's contentions. Learned APP stated that the applicant has attended the concerned police station as directed and has co-operated with the investigation. Learned APP, on instructions of the Investigating Officer, makes a statement that the investigating agency does not want to arrest the present applicant in connection

with the present subject matter. The statement is recorded.

9. In view of the specific statement made by the learned APP, on instructions of the I.O., the learned senior counsel for the applicant does not press this application and, therefore, seeks permission to withdraw it.

10. Considering the statements made by both the sides, the application is disposed of as not pressed.

(SARANG V. KOTWAL, J.)