

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1689 OF 2024**

Omkar Bhausahab Irale	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Sandeep Koregave a/w. Ms. Pallavi A. Karanjkar for applicant.

Ms. Megha S. Bajoria, APP for respondent No.1-State.

CORAM : MANISH PITALE, J.

DATE : 03rd JULY, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0020 of 2024 dated 20.01.2024 registered at Police Station Kawathe-Mahankal, District Sangli for offences under Sections 376, 376(2)(j) and 376(2)(l) of the Indian Penal Code, 1860.

3. The learned counsel for the applicant submits that in the first instance, the name of the applicant is not even mentioned by the informant, who is the mother of the victim, as a person responsible for the act in question. In this case, the allegation is that the victim, who is a 42 year old mentally challenged daughter of the informant, was found to be pregnant and after persistent enquiries, she revealed the name of Panda More as the person responsible for her pregnancy. This led to registration of FIR.

4. Subsequently, the victim gave a statement during the course of investigation, naming the applicant also as a person, who used to indulge in physical intimacy with her. There is also a statement of a psychologist, who has stated that apart from the said Panda More, the victim had named other persons, including the applicant, as one of the persons, who used to indulge in physical intimacy with the victim.

5. This Court is informed that the named accused Panda More has been granted regular bail.

6. The learned APP submits that today, the Investigating Officer is not available and that it would be necessary to secure custody of the applicant, in order to conduct his medical examination and to collect blood samples, etc. for carrying out DNA test as the victim has given birth to a child.

7. This Court is of the opinion that in the first instance, the informant did not name the applicant as one of the accused persons. His name has subsequently featured. Nevertheless, it would be necessary for the applicant to co-operate with the investigation, including giving blood samples, etc. In this situation, it would appropriate to issue notice to respondent No.2 (informant) and in the meanwhile, appropriate directions can be issued for the applicant to co-operate with the investigation, while granting interim relief till the next date of listing.

8. In view of the above, issue notice to respondent No.2, returnable on 22.07.2024. The Investigating Officer shall serve respondent No.2 for which, the applicant shall provide an additional set of papers to the Investigating Officer.

9. In the meanwhile, the following the interim order is passed:
- (i) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0020 of 2024 dated 20.01.2024 registered at Police Station Kawathe-Mahankal, District Sangli, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) the applicant shall remain present before the Investigating Officer on 05.07.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present;
 - (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
 - (iv) the applicant shall co-operate with the investigation, including giving blood samples, etc.
10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
11. List on 22.07.2024.

(MANISH PITALE, J)