

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.1791 OF 2024

Sandip Ramdas Pawar ... Applicant  
Vs.  
State of Maharashtra and another ... Respondents

Mr. Prashant Subhash Hagare for Applicant.

Ms. Megha S. Bajoria, APP for Respondent-State.

**CORAM : MANISH PITALE, J.**  
**DATE : JULY 11, 2024**

**P.C. :**

. Heard Mr. Hagare, learned counsel for the applicant and Ms.Bajoria, learned APP for the respondent-State.

2. Respondent No.2 (first informant - victim) is made a party to the present application and in the facts and circumstances of the present case, notice will have to be issued to her.

3. But, the learned counsel for the applicant submits that in the interregnum, this Court may consider granting interim relief to the applicant in the peculiar facts and circumstances of the present case.

4. As per the statement of the informant leading to registration of the FIR, the applicant came in touch with the respondent No.2 victim on *Instagram*. It is stated that the victim runs a beauty parlour where the applicant started visiting her and thereafter, in June 2022, he took her to a hotel and allegedly had forcible sexual intercourse with her. It is alleged that the applicant took some nude photographs of the victim and threatened her. Thereafter, there is reference to an incident of 17.12.2022 and of the year 2024 without specifying any date, to the effect that the applicant forced himself on the victim.

5. In that light, FIR No.0606 of 2024 dated 10.06.2024 has been registered in Yavat Police Station, District - Pune (Rural), for offences under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 (IPC).

6. According to the applicant, he and the victim were in a consensual relationship. It is also claimed that the applicant had taken certain amount from the brother of the victim and that he had returned the amount but there was some dispute regarding the said amount. Attention of this Court is invited to the report registering non-cognizable offence against the victim and her brother at the behest of the applicant on 07.06.2024, for offences under Sections 504 and 506 read with Section 34 of the IPC. On this basis, it is alleged that the subject FIR is a counterblast and the victim, who is a married woman with the child having consensual relationship with the applicant, has now turned around to allege that she was raped.

6. The learned APP submits that the Sessions Court in its order has recorded that the applicant was threatening the victim and that therefore, this Court may not pass any interim order till the respondent No.2 is served.

7. Considering the contents of the statement of the victim leading to registration of the FIR, this Court finds that it pertains to a period of at least two years when the applicant has been allegedly forcing himself on the victim. *Prima facie*, it appears to be unlikely that a woman, who is suffering such harassment and also being threatened about her nude photographs to be made public, would not take appropriate steps at the earliest.

8. Secondly, this Court finds that documents are available on record to indicate that the applicant had been transferring certain amounts into the account of the brother of the victim and that there was some dispute

relating to the return of amount. The report of non-cognizable offence dated 07.06.2024 placed on record also buttresses the contention raised on behalf of the applicant that the subject FIR is an afterthought and a counterblast. Therefore, this Court is inclined to grant interim relief to the applicant as he is ready to surrender his mobile phone and also to present himself before the investigating officer.

9. As regards the threats allegedly given by the applicant to the informant, appropriate conditions can be imposed.

10. In view of the above, issue notice to the respondent No.2, returnable on 22.08.2024, H.O.B.

11. In the meanwhile, the following interim order is passed:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0606 of 2024 dated 10.06.2024 registered at Yavat Police Station, District - Pune (Rural), he shall be released on bail on furnishing PR Bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties in the like amount;
- B. The applicant shall appear before the investigating officer on 13.07.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall present himself for medical examination, if required;
- D. The applicant shall also surrender his mobile phone with the Investigating Officer;
- E. The applicant shall, in no manner, contact the informant;
- F. The applicant shall not influence the informant, witnesses or

any person concerned with the case and he shall not tamper with the evidence.

12. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

13. List for further consideration on 02.08.2024, H.O.B.

**(MANISH PITALE, J.)**

*Minal Parab*