

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1898 OF 2024**

Surendra Jalindar Kokane	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Abhishek Kulkarni a/w. Mr. Sagar Wakale for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

Mr. Prashant Mahale, API, Hinjwadi Police Station, District Pimpri-Chinchwad.

**CORAM : MANISH PITALE, J.
DATE : 29th JULY, 2024**

P.C. :

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

2. The applicant apprehends arrest in connection with FIR No.0541 of 2024 dated 24.04.2024 registered at Police Station Hinjwadi, District Pimpri Chinchwad, for offences under Sections 376, 376(2)(f) and 376(2)(n) of the Indian Penal Code, 1860.

3. The statement of the informant leading to registration of FIR, indicates that according to her, for about an year prior to registration of FIR, she was having interaction with the applicant who is her teacher in the college. The informant has stated as to the manner in which, when she was physically and mentally vulnerable, the applicant increased interaction and contact with her. The statement also describes the incidents from January 2023

onwards till the time when the informant was constrained to take the extreme step of attempting suicide and thereafter, the informant approached the police, leading to registration of FIR.

4. The learned counsel for the applicant submits that it is the informant who appears to be obsessed with the applicant and this is evident from her diary, copies of which are annexed to the application. Reference is made to certain messages exchanged on WhatsApp between the informant and the applicant. Reliance is placed on a police complaint made by the applicant on 13.04.2024 and his wife on 23.04.2024, before the subject FIR dated 24.04.2024 was registered. On this basis, it is submitted that the applicant is being falsely implicated as he did not succumb to the advances made by the informant.

5. On the other hand, the learned APP made available to this Court copy of chargesheet as also copies of certain other documents. Investigation is complete, despite the fact that the applicant is absconding. Chargesheet was filed on 26.04.2024, under section 299 of Code of Criminal Procedure, 1973. The learned APP has placed reliance on the statements of the witnesses, including a friend and classmate of the informant as also a teacher, to submit that there is enough material to make out a *prima facie* case against the applicant.

6. This Court has perused the material on record, as also the contents of the chargesheet. The statement of the informant describes in sufficient detail as to the manner in which the applicant allegedly established intimacy with the informant and thereafter, exploited her sexually. The statement of the classmate of the informant also confirms the fact that on occasions, the

applicant used the mobile of the said witness to get in touch with the informant. The statement of one of the teachers of the informant also indicates that she had reported to the said teacher about the manner in which the applicant had exploited the informant.

7. The material upon which the learned counsel for the applicant placed reliance is more in the nature of defence and at this stage, the same cannot be considered. One of the WhatsApp messages on which the applicant has placed reliance, itself shows that even in the said message, the informant alleged that the applicant had used her.

8. The applicant is admittedly a 43-year old married man and the informant is a 21-year old woman, who is his student.

9. No case is made out for granting anticipatory bail. Accordingly, the application is rejected.

(MANISH PITALE, J)