

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

ANTICIPATORY BAIL APPLICATION NO.2063 OF 2024

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Gurudas Baburao Kharode

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Priyal Sarada i/by Praveen Kamble, for the Applicant.

Mr. Mayur S. Sonavane, APP for the Respondent/State.

Mr. Sujit B. Thakur, PSI, Kharghar Police Station – present.

CORAM : MANISH PITALE, J.

DATE : 13th AUGUST, 2024

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1. Heard learned counsel for the Applicant and learned APP for the Respondent/State.

2. The Applicant has filed present Application apprehending arrest in connection with C. R. No.0228 of 2024 dated 04.07.2024 registered with Kharghar Police Station, Navi Mumbai for offences under Sections 376 and 506 of the IPC.

3. The informant is a 26 year old woman, who has alleged that the Applicant had sexual intercourse with her against her wishes. It is stated that the Applicant is the cousin of the informant and yet he has committed such an act.

4. Learned counsel for the Applicant submits that the FIR is belated by about seven months and that call detail records have been placed on record of this Application, which indicate that even after the alleged incident, the informant was in continuous touch with the Applicant. According to the Applicant, the two had a relationship and that this is a case of false implication.

5. Learned APP submits that a serious offence is registered against the Applicant and his custody is required for medical examination etc.

6. A bare perusal of the FIR shows that even according to the informant the time period during which the alleged acts were committed by the Applicant, pertain to 01.12.2023 to 31.12.2023. The FIR was registered on 04.07.2024, on a complaint lodged by the informant on 01.07.2024. *Prima-facie*, the FIR appears to be suffering from delay of about seven months. In the statement of the informant relating to the registration of FIR, there is no indication as to what caused such a considerable delay on the part of the informant for approaching the Police with regard to such a serious offence.

7. The documents annexed with the Application *prima-facie* do indicate that even after the alleged incident and before registration of the FIR, the informant was continuously in touch with the Applicant, giving credence to the contention raised on

behalf of the Applicant that two were in a relationship. Therefore, this Court is inclined to allow the Application.

8. As regards requirement of the custody of the Applicant for medical examination etc., appropriate conditions can be imposed.

9. In view of the above, the Application is allowed in the following terms :-

- (a) In the event the Applicant is arrested in connection with C. R. No.0228 of 2024 dated 04.07.2024 registered with Kharghar Police Station, Navi Mumbai, Applicant shall be released on bail on executing PR bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) The Applicant shall remain present before the Investigating Officer on 16th August, 2024 and thereafter as and when called by him.
- (c) The Applicant shall co-operate with the investigation including presenting himself for medical examination and also depositing his mobile phones before the Investigating officer.
- (d) The Applicant shall not tamper with the evidence and he shall not influence the informant, witnesses or any other person concerned with the present case.

10. Needless to say, violation of any of the aforesaid conditions would make the Applicant liable to face proceedings for cancellation of bail. It is also clarified that the observations made in this order are limited to the question of grant of bail to the Applicant in the present Application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

11. The Application is disposed of.

(MANISH PITALE, J.)