

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

ANTICIPATORY BAIL APPLICATION NO. 2071 OF 2024

Shekhar Babaso Patil	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Satyavrat Joshi a/w Mr. Ashish R. Kachole for the Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Ms. Yogita Gaikwad, PSI, Deccan Police Station, Pune.

**CORAM: MANISH PITALE, J.
DATE : 14th AUGUST 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0100 of 2024 dated 23rd April 2024 registered at Shivaji Nagar Police Station, Dist. Pune, for offences under Sections 376, 376-D, 385, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 66(E) and 67(A) of the Information Technology Act, 2000 (IT Act).

3. The applicant is one of the two accused persons in the present case and it is alleged by the informant that the co-accused had physical relation with her on the false promise of marriage. She has specifically alleged that on a particular date, not only did

the co-accused have physical intercourse with her, even the applicant indulged in such an activity in a hotel room. She has thereafter alleged that the co-accused person came to the place of work of the informant and threatened her.

4. The learned counsel for the applicant informs this Court that the co-accused person has been granted regular bail. It is submitted that insofar as the applicant is concerned, even the informant has referred to one solitary instance of such alleged forcible sexual intercourse committed by the applicant with the informant. It is submitted that there is material on record in the charge-sheet itself in the form of *WhatsApp* chats and other such documents to indicate that the informant was having a consensual relation with the co-accused person. It is submitted that the informant is a 34 years old married woman and although she is stated to be separated from her husband, considering her marital status, allegation of false promise on the part of the co-accused, on the face of it, is unbelievable. Be that as it may, insofar as the applicant is concerned, the allegation pertains only to one solitary incident and the same appears to be an allegation made out of vengeance against the co-accused person. The applicant has been falsely roped into, being a friend of the co-accused.

5. On the other hand, the learned APP submits that a bare perusal of the statement of the informant would show that on 28th March 2024, the applicant, along with the co-accused person, forced himself on the informant. It is also alleged that video

recording of the said activity was made and this is an extremely serious allegation. It is submitted that there is every possibility of the video recording being in the possession of the applicant, who may disseminate the same, causing further harm to the informant.

6. This Court has perused the material on record. The statement of the informant, leading to registration of the FIR, shows that even according to the informant, the solitary incident involving the applicant took place on 28th March 2024. The FIR was registered on 23rd April 2024 i.e. after about a month. The thrust of the allegations in the statement of the informant is against the co-accused of having duped the informant on the basis of false promise of marriage and in that light, having exploited the informant sexually.

7. It is relevant to note that even according to the informant, she is a married woman, aged about 34 years. She has stated that she is separated from her husband and she lives with her child. In such a situation, the basis of allegations made against the co-accused person about false promise of marriage, *prima facie*, appear to be unsupportable. In any case, the said aspect, if at all, may inure to the benefit of the co-accused person. But, the thrust of the allegations is against the co-accused person and only one solitary incident involves the applicant. The said incident is alleged to have taken place about a month before the registration of the FIR. Even the allegation of video recording is primarily against the co-accused person, who has been already granted bail. The charge-

sheet refers to *inter alia*, the video recording. It is correctly pointed out that in the supplementary statement of the informant, there are indeed improvements, which is also a factor to be taken into consideration. Considering the aforesaid material that is already with the investigating authority, so long as the applicant is ready to cooperate with the investigation, this Court is inclined to allow the application, particularly because the applicant does not have any criminal antecedents.

8. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0100 of 2024 dated 23rd April 2024 registered at Shivaji Nagar Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 17th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.

(c) The applicant shall cooperate with the investigation, including presenting himself for medical

examination and surrendering his mobile phone before the Investigating Officer.

(d) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

10. The application is disposed of.

MANISH PITALE, J.