

Nagnath @ Nagesh Mahadeo More Vs.	...	Applicant
State of Maharashtra and another	...	Respondents

Mr. Samay Pawar a/w. Ms. Sakshi Mane i/b. Mr. Yash G. Fadtare for Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. Siddharth Maruti Khandekar, API, Chandan Nagar Police Station, Pune.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 02, 2024

P.C. :

Heard Mr. Pawar, learned counsel for the applicant and Mr.Malshe, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0258 of 2024 dated 26.05.2024 registered with Chandan Nagar Police Station, District - Pune City, for offences under Sections 376, 376(2)(n), 354 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant is the victim, being a 20 year old woman, who has described in graphic detail as to the manner in which the two accused persons, including the applicant, sexually exploited her over a period of time. On the basis of the statement of the first informant, the aforementioned offences were registered against the applicant and the co-accused person.

4. At the outset, the learned counsel for the applicant submits that the co-accused person was granted regular bail by the Sessions Court

after about a month of remaining behind bars and certain observations made in the order of the Sessions Court may be considered by this Court, while disposing of the present application.

5. Apart from this, it is submitted that the allegations levelled against the applicant and the chronology of events described by the informant appear to be unnatural and it can be said that the informant was willingly having relationship with the accused persons. It is submitted that therefore, this Court may favourably consider the present application as the applicant is ready to co-operate with the investigation.

6. On the other hand, the learned APP submits that the statement of the informant clearly makes out the ingredients of the aforesaid offences, which are serious in nature. It is submitted that the observations made in the order of the Sessions Court, granting regular bail to the co-accused person, cannot inure to the benefit of the applicant because the present application seeks relief of anticipatory bail.

7. This Court has considered the rival submissions in the light of the material available on record. There is substance in the contention of the learned APP that reasons stated in the order of the Sessions Court, while granting regular bail to the co-accused person, cannot inure to the benefit of the applicant as the considerations for granting anticipatory bail are different from the considerations when the accused is granted regular bail.

8. Therefore, this Court has independently considered the statement of the informant, being a 20 year old woman, to examine the rival contentions. A perusal of the statement of the informant shows that according to her, during the time period when the co-accused person was exploiting her sexually, the applicant came in touch with her, being conductor of the bus in which she used to travel to college. It is alleged

that in March 2023, the applicant picked up the informant in his four wheeler and forcibly made her drink beer. The applicant was allegedly blackmailing the informant by saying that he would inform the family members of the informant about she having consumed beer with the co-accused person and with the applicant himself.

9. It is alleged by the informant that in this situation, as the applicant was blackmailing her on the said count, she was forced to send her own photographs (four in number) in an objectionable position by *WhatsApp* to the applicant.

10. Thereafter, it is alleged that in April 2024, the applicant called the informant and she went to meet him. It is then alleged that the applicant again forced the informant to consume beer at a lodge, where the two had gone. It is alleged that the applicant again indulged in exploiting the informant. There is also reference to a further such incident when the informant was taken to another lodge.

11. This Court is of the opinion that the chronology of events described by the informant, particularly the two incidents of her exploitation at the hands of the applicant in April 2024, *prima facie*, appear to be unnatural, simply for the reason that there is no reference to any blackmailing on the part of the applicant and it is also a bit surprising that on the threat of the applicant informing the family of the informant about her consuming beer, she was forced to send her own objectionable photographs to the applicant by *WhatsApp*.

12. There is substance in the contention raised on behalf of the applicant that there could be scope to argue that the informant may have had a relationship with the applicant on her own volition. These are only *prima facie* observations being made to consider the prayer made in the present application, particularly when the applicant has undertaken to

present himself for medical examination and to surrender the mobile phone and the car alleged to have been used during the course of the incidents.

13. 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.0258 of 2024 dated 26.05.2024 registered with Chandan Nagar Police Station, District - Pune City, 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 remain present before the investigating officer between 10:00 a.m. and 12 noon on 04.09.2024 and 05.09.2024 and thereafter as and when called by the investigating officer;
- C. The applicant shall co-operate with the investigation, including presenting himself for the medical examination and surrendering his mobile phone and four wheeler, allegedly used during the course of the incidents described by the informant;
- D. The applicant shall not, in any manner, contact the informant or her family during the pendency of the investigation;
- E. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

14. 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 and that the trial Court shall proceed further, without being influenced by the observations made in this order.

15. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab