

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2544 OF 2024

1. Pratik Devafnand Tupe
2. Sujay @ Jaybhau Gulabrao Jadhav ...Applicants

Versus

The State of Maharashtra ...Respondent

- Mr. Aadesh Konde Deshmukh for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 23rd SEPTEMBER, 2024.

P. C. :

1. Heard, learned Mr. Aadesh Konde Deshmukh, learned counsel for the applicants and Mr. Balraj Kulkarni, learned APP for the respondent – State.

2. The applicants have approached this Court, apprehending arrest in connection with First Information Report No.0323 of 2024, dated 24.06.2024, registered at Police Station Phaltan City, District Satara, for offences under Sections 376(2)(n), 497, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The applicants are not named as accused persons in the FIR, as the grievance of the informant in her statement, leading to registration of the FIR, is entirely against the named accused Rohit Deepakrao Sapkal. She has

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alleged that the said named accused person had a physical relationship with her repeatedly, due to which she had become pregnant. The said named accused person had allegedly then got married to another person, without informing the informant.

4. It appears that the names of the applicants came to the fore during the course of investigation, and they were arraigned as accused persons. The statement of the informant, recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.), is not on record, but the document at page No.42 of the application indicates that names of the applicants were added on the basis of the allegation that they alongwith the main accused person, had forcibly taken the informant into a car and assaulted her. In that light, offences under Sections 323 and 342 of the IPC were also added.

5. The learned counsel for the applicants submits that the informant has not even alleged any role of the applicants insofar as the offences for which the FIR was registered in the first place. It is submitted that the allegations, at worst, are about assaulting the informant and they are also relatable only to offences under Sections 323 and 342 of the IPC, both of which are bailable. On this basis, the learned counsel for the applicant seeks relief.

6. On the other hand, the learned APP submits that the names of the applicants were added as accused persons subsequently, during the course

of investigation. The allegations against them are about having assaulted the victim – informant.

7. This Court has perused the material on record. Evidently, the statement of the informant, leading to registration of the FIR, makes allegations only against the main named accused i.e. Rohit Deepakrao Sapkal. Although the names of the applicants appear to have been added subsequently as accused persons, there is nothing on record to show any link of the applicants with the serious offences registered against the main accused person – Rohit Deepakrao Sapkal.

8. At worst, the allegation against the applicants appears to be about assault on the informant when she was allegedly forcibly taken into a car by the applicants and the main accused person. In that respect also, the offences only under Sections 323 and 342 of the IPC have been added. Both the offences are bailable. Hence, a case is made out for granting relief in the present application.

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

- (A) In the event the applicants are arrested in connection with FIR No.0323 of 2024, dated 24.06.2024, registered at Police Station Phaltan City, District Satara, they shall be

released on bail on furnishing PR Bonds of ₹ 25,000/- each, with one or two sureties in the like amount, to the satisfaction of the Trial Court.

(B) The applicants shall remain present before the Investigating Officer on 26th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. They shall cooperate with the investigation.

(C) The applicants shall not influence the informant, witnesses or any persons concerned with the case and they shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

11. 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.

12. The application is disposed of.

(MANISH PITALE, J.)