

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2269 OF 2022

Kishor Sidu Varak	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. A. S. Khandeparkar a/w. Mr. Rohit P. Mahadik, Mr. Vaibhav Kulkarni and Mr. Rushikesh Bhagat i/b. Khandeparkar & Associates for Applicant.
Mr. A. A. Palkar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 26, 2022

P.C. :

Heard Mr. Khandeparkar, learned counsel appearing for the applicant.

2. Applicant is seeking pre-arrest bail in Crime No.22 of 2022 registered with Nivati Police Station, Sindhudurg for the offence punishable under Sections 354-A, 354-C, 376, 504 and 506 IPC and Section 67A of the Information Technology Act.

3. The prosecution case is, the applicant, under threat, established physical relationship with the victim and sexually exploited her for a long time. As such, offence in question.

4. The contentions of learned APP are, the applicant does not deserve protection, particularly in the backdrop of the fact that the applicant was using the videos and photos of the complainant-victim, which were taken in compromising position for black-mailing her and exploiting her physically and sexually.

5. I have appreciated the said submissions.

6. The applicant has already surrendered his mobile, which the APP informs, was formatted. The investigating officer is yet to invoke the provisions of Sections 201 or 204 IPC against the applicant for

destruction of the electronic evidence. Punishment provided under the said provisions (Sections 201 and 204 IPC) is only 7 and 2 years respectively. The FIR speaks of consensual relationship for a long standing period. The complainant has admitted that she was having close acquaintance with the family members of the applicant since 2021.

7. Considering the long standing relationship between the applicant and the complainant, the theory of consensual relationship appears to be quite apparent.

8. That being so, in the event of arrest of the applicant in Crime No.22 of 2022 registered with Nivati Police Station, Sindhudurg for the offence punishable under Sections 354-A, 354-C, 376, 504 and 506 IPC and Section 67A of the Information Technology Act, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/ with one or two sureties in the like amount. Applicant shall attend the Investigating Officer from 10th to 20th October, 2022 between 10:00 a.m. and 12 noon and thereafter as and when directed by the Investigating Officer. The said applicant shall not directly or indirectly try to influence the prosecution witnesses and tamper with the evidence.

9. Counsel for the applicant assures that the applicant shall extend full co-operation in carrying out medical examination.

10. Application is disposed of.

(NITIN W. SAMBRE, J.)

Minal Parab