

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
A.B.APPLICATION NO.222 OF 2015

Bhalchandra @ Daji Shankar Pingale ..Applicant
-Versus-
The State of Maharashtra ..Respondent

Mr.Abhijeet P. Kulkarni for applicant
Ms.Veena Shinde, APP for State.

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 7th April 2015.

P.C.

1] The applicant has moved this application for anticipatory bail. The accused/applicant is facing charges under section 376, 323, 506 read with 34 IPC in C.R.No.266 of 2014 registered with Khed Police Station, Pune.

2] It is the case of the prosecution that the complainant and her sister had invested money in chit fund which is run by the applicant accused of Rs.5 lakhs and she and her sister used to pay Rs.5000/- per month. On 16th November 2014, her sister informed her that the applicant accused is not returning her money and, therefore, both sisters along with her friend went to the applicant and questioned him and demanded money from him. At that time, the applicant

accused asked the two ladies to go out and promised that he would give money to the prosecutrix. However, thereafter the applicant/accused closed the door and raped the prosecutrix at around 7.00 – 7.30 a.m. The incident took place on 17th November 2013. Thereafter, the prosecutrix met some persons in the village and lodged F.I.R. with Khed police station.

3] The applicant accused has, therefore, moved this application under section 438 of Cr.P.C. The learned Counsel for the applicant submits that the prosecutrix is witness in C.R.No.140 of 2014 registered with Khed Police Station wherein one of the witnesses gave a complaint that applicant/ accused Mohan Daundkar in that case had raped her on 21st May 2014. He pointed out that the victim in the said case is a witness in the present case. He submitted that a false case is made against the applicant and hence, he is to be protected.

4] The learned Prosecutor while opposing this application relied upon the medical certificate which shows that there were abrasion on the person of the victim at the time of medical examination.

5] Perused the FIR, the earlier record and the medical certificate produced by the prosecution. The prosecutrix is of 33 years of age and considering the details given by the Counsel in respect of the two matters and the two prosecutrix are witnesses in each other's case I am inclined to confirm the interim order of bail passed by this Court. Hence, following order:-

- (I) Application is allowed.
- (II) In the event of arrest, the applicant/ accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.15,000/- with one surety in the like amount.
- (III) The applicant shall not tamper with the evidence.
- (IV) The applicant shall not indulge into any criminal activity.
- (V) The applicant/accused shall not pressurise the complainant and other persons.
- (VI) The applicant shall attend the concerned police station as and when called by I.O. and shall cooperate with the investigating officer.

(Mrs.Mridula Bhatkar, J.)