

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1128 OF 2015

1.Babulala Mahavir Gupta
2.Jitendra Babulala Gupta ...Applicants

V/s.

The State of Maharashtra ...Respondents.

Mr. R. D. Salve for the Applicant.
Mrs. P P Shinde, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th AUGUST, 2015.

P.C.

1. Heard learned counsel for the applicants and the learned APP for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.I-101/2015 registered with the Navghar Police Station for the alleged offences punishable under sections 376(2)(III) (N), 506 r/w.34 of the IPC.

3. The complainant is the adopted daughter of applicant No.1 and applicant No.2 is the son of applicant No.1. Complainant states that she was adopted by the applicant No.1 when she was 5 yrs. old

and since then she was residing with applicant Nos.1 and 2 and one Mahendra Babulal Gupta. She has alleged that during the time she was staying with the applicant No.1, the second son of the applicant viz., Mahendra committed forcible sexual intercourse with her. It is alleged that thereafter Mahendra and she were in a relation.

4. Learned Counsel for the applicants states that the applicant No.1 was against the said relationship. He submitted that since the complainant was his adopted daughter, the applicant No.1 was opposing her affair with his son Mahendra. He submits that subsequently Mahendra and the complainant got married. He has placed on record the certificate of declaration of marriage of the complainant and Mahendra.

5. The complainant is present in Court. Learned APP does not dispute the said fact that the complainant has married Mahendra and is residing with him. In the supplementary statement of the complainant dated 13/8/2015, she has stated that she married Mahendra on 18/5/2015 and that she has no grievance/complaint as against the present applicants.

6. Considering the peculiar facts of the case and in particular the statement of the complainant, the custody of the applicants is not required and the applicants are granted anticipatory bail on the following terms and conditions:

ORDER

(i) In the event of arrest, the applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)