

nsd.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

ANTICIPATORY BAIL APPLICATION NO.1248 OF 2015

Abdul Karim Abdul Parkar	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.S.R.Chitnis, Senior Counsel a/w Mr.S.R.Phanse, for the Applicant.

Mr.S.S.Pednekar, APP for the Respondent – State.

***CORAM : REVATI MOHITE DERE, J.
DATE : 25th AUGUST, 2015***

P.C. :

1. Heard learned senior counsel for the Applicant and learned APP for the Respondent - State.
2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No. 17 of 2015, registered with the Dighi Sagari Police Station, Raigad, for the alleged offences punishable under Sections 376 (N)(H), 452, 506 of the Indian Penal Code.

3. Learned Senior Counsel for the Applicant submitted that the applicant has been roped in the present C.R as a counter blast to the FIR lodged by him on the previous date.

4. Perused the papers. It appears that on 23rd July, 2015 a complaint was lodged by the present applicant which was registered vide C.R.No.16 of 2015 with Dighi Sagari Police Station, Raigad as against the husband of the complainant/prosecutrix in C.R. No. 17 of 2015. The said C.R is lodged by the applicant as against the husband of the prosecutrix and others and the offences alleged are under Sections 143, 147, 148, 149, 325, 323, 504, 506, 427 of Indian Penal Code and under Section 37(1)(3) and Section 135 of the Bombay Police Act. In the said CR lodged by the applicant he had alleged that on 22nd July, 2015 the prosecutrix's husband came outside his shop and asked what relations he had with his wife and accordingly abused and assaulted him. It appears that on the next day i.e. on 24th July, 2015 an FIR came to be lodged by the prosecutrix as against the present applicant alleging that in February, 2015 the applicant had committed forcible sexual intercourse with her and had threatened her not to disclose the said fact to anyone.

5. Learned Senior Counsel for the applicant relied on certain SMSs which were exchanged between the prosecutrix and the complainant in support of his submission to show that there were some relations between them. He submitted that the present C.R is lodged as a counter blast to the C.R lodged by the applicant against the complainant's husband and that there is a delay of a more than 7 months in lodging the same.

6. Perused the papers including the FIR's and the SMSs. Both i.e. the applicant and the prosecutrix are married and are living with their respective families. There are cross cases filed by the parties. The contents of SMSs reflect that the applicant and the prosecutrix were in touch of each other. Considering the peculiar facts of this case, the applicant deserves to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Dighi Sagari Police Station, Raigad, as and when called for by the Investigating Officer;

iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;

iv) The Applicant shall co-operate in the conduct of the trial.

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

8. It is made clear, that the observations made herein are prima facie and 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 upon the authenticated copy of this order.

REVATI MOHITE DERE, J.