

Sequeira

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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1579 OF
2015**

Vijay Bhairu Rajawat & anr.

...Applicants

Versus

State of Maharashtra.

...Respondents

.....

Mr.Balwant V. Salunkhe i/b Mr.Subhash Hulyalkar, for the
Applicants.

Mrs.R.V.Neuton, APP for the Respondent -State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 19th NOVEMBER, 2015.**

P. C. :

The Applicants herein have filed the Application for Anticipatory Bail apprehending their arrest in FIR. No.297 of 2015 registered with Hinjewadi police station, Pune under section 376, 384, 506(2), 504 r.w. section 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicants and learned APP for the State. Perused the records and considered the submissions advanced by the counsels for the respective parties. The records prima facie reveal that the prosecutrix had lodged the FIR dated 24

September 2015 alleging that about one and a half years ago the son of the Applicants had committed rape on her. The only allegation against the Applicants was that, she had informed the Applicants about the incident and that they had not acted against their son and on the contrary, supported his action. The allegations levelled against the Applicants do not prima facie constitute the offence under section 376 of IPC or abetment of the said offence. There is considerable delay in lodging the FIR. Considering this aspect vis-a-vis nature of allegations levelled against the Applicants, in my considered view the case does not warrant custodial interrogation. There is no possibility of the Applicants absconding and/or thwarting the course of justice. Under the circumstances, the Application is allowed on following terms-

i) In the event of arrest of the Applicants in FIR No.297 of 2015 registered with Hinjewadi police station under sections 376, 384, 506(2) and 504 r.w. section 34 of the IPC., they shall be released on bail on furnishing bail bond of ₹15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount to the satisfaction of the learned Judicial Magistrate F.C., Pune.

- ii) The Applicants shall report to the Investigating Officer for a period of seven days from 10.00 a.m to 1.00 a.m or as and when required by the Investigating Officer for the purpose of interrogation / investigation.
- iii) The Applicants shall not interfere with the victim or tamper with the evidence in any manner.
- iv) The Applicants shall not leave district Pune, till filing of the charge-sheet without prior permission of the learned Judicial Magistrate F.C., Pune.

(ANUJA PRABHUDESSAI, J.)