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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1392 OF 2016

1. Bhushan @ Sandeep Bhalchandra Thakare,
2. Gopal Vikram Patil ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr P.S. Paranjape, Advocate for applicants;
Mr D.V. Tele, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23rd March, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.21 of 2016, registered with Dhule Taluka Police Station, Dhule, for offences punishable under sections 376 (2) (f), (n), 354, 313, 498-A, 504, 506 read with section 34 of the Indian Penal Code.

2. The offence, as narrated in the first information report, is alleged to have taken place during the period between 12th May, 2015 and 22nd January, 2016.

3. Mr Paranjape, learned Counsel appearing on behalf of the applicants would strenuously urge that looking to the nature of attributions

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in the complaint case, which are further reflected in the first information report, it is required to be *prima facie* held that the complaint is falsely motivated and the complainant, who claims to be wife of applicant no.1 having married on 12th May, 2015, has implicated all family members including the sisters of applicant no.1 and their husbands, who are residing at other places.

4. Mr Paranjape would then submit that the other women involved in the offence are already released on bail. So as to substantiate his contention, he has taken me through various attributions made against each of the accused, which are similar. He would then add that the complaint is belated and speaks of *mala fide* intention on the part of the complainant.

5. Learned Addl. Public Prosecutor opposed the application on the ground that the applicants are booked in an offence which is serious one. He would submit that applicant no.1 – husband has also supported the crime by aiding the other accused persons, rather than giving protection to the complainant. He would submit that the investigation is in progress and as such, the application be rejected.

6. With the assistance, I have perused the entire investigation papers and contents of the complaint and the first information report. The complainant claims that she was married to applicant no.1 on 12th May, 2015, the day on which the commission of offence in question has been

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started by the applicants. It is then required to be noted that probability of commission of the offence, particularly having regard to the fact that all family members of applicant no.1, including his sisters and their husbands are implicated as accused with similar type of allegations. The explanation offered for delayed complaint also *prima facie* does not appear to be convincing.

7. The applicants were in the custody for quite a long time as they have been arrested on 23rd January, 2016.

8. In my opinion, in the light of above observations, no fruitful purpose will be served by detaining the applicants any further. Thus, it will be appropriate to direct release of the applicants on bail. I, therefore, pass following order :-

The applicants be released on bail, in connection with C.R. No.21 of 2016, registered with Dhule Taluka Police Station, Dhule, for offences punishable under sections 376 (2) (f), (n), 354, 313, 498-A, 504, 506 read with section 34 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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