

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1644 OF 2016

- 1] Suresh Tukaram Wakhare
Age 63 years, Occu. Business
- 2] Asha Suresh Wakhare
Age 58 years, Occu.: Housewife
- 3] Rupali Sameer Wakhare
Age 28 years, Occu.: Business

All above R/o. H. No.18,
Bagroja Hudco Colony,
Near Delhigate, Ahmednagar

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

Mr. Vijay R. Gundecha, Advocate and Mr. P.K. Phale, Advocate
for the applicants

Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

Mr. N.B. Suryawanshi, Advocate for assist to A.P.P.

CORAM : M.T. JOSHI, J.

DATE : 01/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of Kotwali Police Station, Dist. Ahmednagar in crime no.I-78 of 2016 for the offences punishable under section 376(n), 354, 341, 323, 504,

506 r/w. 34 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. The applicants are the parents and the wife of the principal accused - Advocate Sameer Wakhare of Ahmednagar. Reading of the complaint as a whole would show that the victim being a Senior Advocate, Advocate Sameer Wakhare joined her office. Thereafter in the year 2014, took undue advantage of her illness, managed to give certain sedatives and, thereafter, committed sexual intercourse with her, and the relations thereafter continued for long time. However, as the principal accused had his first wife, the relations soured. Ultimately, it is alleged that on 29/2/2016 at 10.30 pm in the beauty parlour of the first wife of the principal accused i.e. applicant no.3, the principal accused made sexual advances against her. Therefore, the FIR came to be filed.

4. So far as the present applicants are concerned, the allegations are that the applicant nos.1 and 2 had asked the victim to have relations with the principal accused as his first wife i.e. applicant no.3 was kept at Pune.

5. Considering all the material on record, learned counsel for the applicants submits that in-fact this may be a love affair, which unfortunately soured. Further, considering the role alleged against the present applicants, they may be released on anticipatory bail.

6. Learned A.P.P. as well as learned counsel assisting the A.P.P. opposed the application. They submit that there are definite allegations that the present applicants had instigated the principal accused in commission of the offence.

7. Considering all the facts on record, as detailed supra, in my view, the custodial interrogation of the present applicants is not required. In the circumstances, the interim protection granted to the applicants by this Court vide order dated 17/03/2016 is hereby made absolute on the same terms and conditions.

8. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/