

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

924 CRIMINAL APPLICATION NO. 4293 OF 2016

**RAVINDRA @ BABLU TULSHIRAM PATIL
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. P.S.Paranjape, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 19th AUGUST, 2016

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PER COURT :

1. The applicants, who are accused in Crime No. 21/2016 registered at Dhule Taluka police station, District Dhule for the offences punishable U/ss 376 (2) (f) (n),354,313,498-A,504,506 read with 34 of the Indian Penal Code at the instance of prosecutrix, by this application is praying for pre-arrest bail.

2. Heard learned counsel for the applicants. He argued that averments in the F.I.R. are improbable and just 3 days back, the prosecutrix had been to the same police station

to lodge report regarding some other incident. She was having opportunity to report the incident of repeated rape on her to the police on 19/01/2016 itself.

3. Learned A.P.P. opposed the application by contending that the medical evidence corroborates the version of the prosecutrix and that brother of the prosecutrix has proved her previous statement regarding the incident in question.

4. Perused papers of investigation including F.I.R. on 22/01/2016. According to the prosecutrix, she married co-accused Bhushan Thakare on 12/05/2015 and since then she started cohabiting with her husband at her matrimonial house at Biladi, district Dhule. According to her, 2 days after 12/05/2015 till 22/01/2016 she was subjected to repeated acts of rape by present applicants. According to her, co-accused including her husband, mother-in-law and sister-in-law were instigating present applicants to commit rape on her.

5. Perusal of the papers of investigation shows that after marriage of the prosecutrix with Bhushan Thakare, her husband who is co-accused, said Bhushan heard recorded conversation from the cell phone of the prosecutrix which was indicating that prosecutrix was having sexual relations with her brother-in-law prior to the marriage. This version is found from the statements of neighbouring witnesses as well as matrimonial relatives recorded by the Investigating Officer.

6. It is seen that just 3 days prior to lodging of the F.I.R., prosecutrix had been to the same police station and at her instance report of non cognizable offence bearing No. 23/2016 was registered against her husband, mother-in-law as well as present applicant No. 1 Ravindra @ Bablu Tulshiram Patil and some other persons. Perusal of the F.I.R. *prima facie* shows that the prosecutrix was having tons of opportunities to report the alleged incident of repeated rape on her by accused persons. One of such opportunities was on 19/01/2016 itself.

7. F.I.R. shows that the prosecutrix had left the matrimonial house and at that time she has lodged the report in question.

8. *Prima facie*, false implication of applicants, who are near relatives of the husband of the prosecutrix, who have allegedly detected her illicit relation, can not be ruled out. In such situation, liberty of the present applicants needs to be protected as arrest bring humiliation not only to the accused but also to their family members. Therefore, the following order.

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 21/2016 registered at Dhule Taluka police station, District Dhule for the offences punishable U/ss 376 (2) (f) (n), 354, 313, 498-A, 504, 506 read with 34 of the Indian Penal Code, applicant No. 1

Ravindra @ Bablu Tulshiram Patil and applicant No. 2 Bhanudas @ Nana Bhika Patil be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] each and on furnishing surety in the like amount.

- (iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- (iv) The applicants shall not tamper the evidence of the prosecution.
- (v) The applicants to attend concerned police station on 30/08/2016 and 06/09/2016 between 11.00 a.m. and 1.00 p.m. and they should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]