

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

903 CRIMINAL APPLICATION NO. 5966 OF 2016

AMRAPALI W/O DIPAK SHELKHE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Shaikh Mazhar A.Jahagirdar, Advocate for
Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 27th, OCTOBER 2016

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PER COURT :

1. The applicant/accused in Crime No. I-226/2015 registered at Shrirampur City police station, Shrirampur, Tq. Shrirampur, Dist. Ahmednagar for the offences punishable U/ss 366-A, 376 (2) (N) (I), 420, 467, 468, 471 read with 34 of the Indian Penal Code, u/s 3 (2) (V) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act and u/s 4, 5 (L) read with 6 of the Protection of Children from Sexual Offences Act, by this application is seeking pre-arrest bail.

2. Heard the learned counsel for applicant/accused as well as learned A.P.P. Learned A.P.P. opposed the application by contending that husband of present applicant had committed rape on the prosecutrix and that the applicant was party to the marriage of the prosecutrix with false documents and by setting up false persons as her relatives.

3. Perused the papers of investigation. It appears that present applicant was not arrested by police and charge sheet was filed against 4 other persons, which has resulted in registration of Sessions Case No. 37/2015. Trial of that Sessions Case ended in acquittal as the prosecutrix turned hostile.

4. Be that as it may, role attributed to present applicant in the crime in question is to the effect that she did not object sexual offence and acts of her husband towards the prosecutrix. The another allegation is that husband of the applicant had set up some persons as relatives of the prosecutrix and married her with some other person. At that time, the applicant was stated to be present and was shown as relative of the prosecutrix.

5. Considering the nature of allegations against present applicant and the fact that trial of co-accused ended in acquittal because of hostile attitude shown by the prosecutrix, custodial interrogation of the applicant in the crime in question is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) In the event of her arrest in Crime No. I-226/2015 registered at Shrirampur City police station, Shrirampur, Tq. Shrirampur, Dist. Ahmednagar for the offences punishable U/ss 366-A,376 (2) (N) (I), 420,467,468,471 read with 34 of the Indian Penal Code, u/s 3 (2) (V) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act and u/s 4,5 (L) read with 6 of the Protection of Children from Sexual Offences Act, applicant Amrapali w/o Dipak Shelke be released on bail on executing P.R. Bond of ₹ 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant 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 applicant shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]