

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 677 OF 2016**

Arjun Tukaram Kachare

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Girish R. Agrawal for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 26th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 171 of 2015 registered with the Umbraj Police Station, for the alleged offences punishable under Sections 376 and 506 of the Indian Penal Code.
3. The applicant is the father-in-law of the prosecutrix. The prosecutrix was married to the son of the applicant on 30th August, 2015.

According to the prosecutrix, when she was alone at her residence on 20th November, 2015, at about 2:30 p.m., the applicant forced himself on the prosecutrix and committed the alleged offence. According to the prosecutrix, soon after the incident, she disclosed the same to her neighbour, however, the applicant thereafter called her back home and threatened her not to disclose the said incident to any person. Thereafter, the prosecutrix lodged the aforesaid offence on 26th November, 2015.

4. Learned Counsel for the applicant submitted that the allegations as against the applicant are false. He submitted that as the applicant was not ready to partition the property as demanded by the prosecutrix, a false FIR has been lodged against him. He submitted that it is highly improbable that after the incident, after informing the neighbour, the prosecutrix would go back to the house of the applicant. He submitted that there is a delay of 6 days in lodging the FIR.

5. Learned A.P.P opposed the bail application. He submitted that the allegations against the applicants are serious.

6. Perused the papers. It appears that the applicant has not received any external injury and the prosecutrix had received abrasion on her shoulder. The history given by the prosecutrix to the doctor, which is at page 45, reads as under :

“She was alone at home on 20/11/2015 at 2.45 pm person named Arjun Tukaram Kachare came to me and done sexual intercourse and penetration of penis in vagina partially and without ejaculation without her consent.”

7. Investigation is complete and charge-sheet is filed. It is informed that the prosecutrix is residing with her parents. Considering the aforesaid, application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., for a period of 12 months from the date of his release;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number within one week of his release, and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) The applicant to file undertaking with regard to Clause Nos. (ii) to (v) in the Trial Court within one week of his release;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.