

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.507 OF 2016

Kailashnath S. Jaiswar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Chaitanya Pendse i/b J.S. Bodke and Mr.Amit Shroff for the Applicant
Ms.M.H. Mhatre, APP, for Respondent – State
Mr.Arun Hazare, PSI, Amboli police station - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 21, 2016**

P.C.:

1. This application is moved for pre-arrest bail as the applicant-accused is facing charges under sections 376, 323, 342 read with section 506(2) of the Indian Penal Code. The offence is registered at C.R. No.77 of 2016 with Amboli police station, Mumbai on 29.2.2016. Though this is the first date, the Investigating Officer is present with all the documents and the learned Prosecutor is ready with instructions. Hence, it is heard finally.

2. It is the case of the prosecutrix that the applicant-accused in August, 2012, became friendly with her and thereafter, he forcibly compelled her to have sexual relations with him. On her refusal, he used to beat her. Out of compulsion, she started residing with him for more than one year.

Thereafter, on 15.1.2016, she went to Patna, Bihar and got married. She realised there that the applicant-accused gave a false complaint against her and she took away his money of Rs.14,90,000/- without his permission and the offence is registered at C.R. No.19 of 2016 under section 380 of the Indian Penal Code. Hence, the present complaint is filed.

3. Heard the learned Counsel for the parties. On perusal of the FIR, it is found that prima facie, it is a case where the accused is to be granted pre-arrest bail. The applicant-accused has registered the case of theft against the prosecutrix with the same police station prior to this offence on 19.1.2016 and thereafter, this complaint was registered on 29.2.2016. In view of this, Anticipatory Bail Application is allowed on the following terms:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on three Fridays i.e., on 25th March, 1st April, and 8th April, 2016 from 11 am to 12 noon or till filing of chargesheet, whichever is earlier.

v) In the event of breach of any of the above conditions, the Prosecution will be at liberty to move the Court for cancellation of the bail.

(MRIDULA BHATKAR, J.)