

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 951 OF 2016

Suman Tatya Jadhav & Anr. ... Applicants.
(Org. Accused)

V/s.

The State of Maharashtra ... Respondent.

Mr. Jaydeep D. Mane, Advocate for the Applicants.
Mrs. R. M. Gadhvi, A.P.P. for the Respondent – State.
PSI-Anil B. Koli, Vijapur Police Station, is present.

CORAM : A. M. BADAR, J.
DATE : 08th JUNE, 2016

P.C. :

1 Applicants/accused in Crime No. 240 of 2016 for the offences punishable under sections 376, 354, 498(A), 341, 323, 504, 506, 201 read with section 34 of the Indian Penal Code, registered with Vijapur Naka Police Station, Solapur at the instance of Smt. Mahadevi Shrikant Jadhav, by this application under section 438 of Criminal Procedure Code, are praying for releasing them on bail in the event of their arrest.

2 Applicant No.1 Suman is mother-in-law whereas applicant no.2-Komal is daughter-in-law of the informant-Mahadevi Jadhav. Informant Mahadevi married with Shrikant Jadhav on 28th November, 2014. Learned counsel appearing

for the Applicants argued that the allegations as against the present applicants, as reflected from the prosecution case, are to the effect that they subjected informant -Mahadevi to cruelty and wrongfully restrained her in order to prevent her from disclosing alleged incident of rape on her and therefore, according to the learned counsel, the applicants are entitled for pre-arrest bail.

3 As against this, learned APP submitted that the statement of the informant under section 164 of the Cr.P.C. is recorded by the learned JMFC, wherein she has reiterated the averments made in the FIR. Learned APP further argued that considering the nature of the offence the applicants are not entitled for relief claimed.

4 Perused the papers of investigation including FIR. According to the informant soon-after her marriage, her husband left the matrimonial house. Her husband, as per version of the informant, used to be away from the house from time to time. He as well as his relative used to subject her to cruelty. The informant further alleged that her father-in-law used to outraged her modesty and ultimately on 3rd May, 2016 she was subjected to rape at the instance of her father-in-law, According to the prosecution case, both the applicants upon getting knowledge of the incident in question had threatened the informant not to disclose the same to anybody.

5 Perusal of the papers of investigation goes show that only allegations against the present applicants are to the effect of subjecting the informant to cruelty and threatening her for preventing disclosure of the alleged incident of rape on her.

6 Considering the nature of allegations against the present applicants so also the fact that both the applicants are women, their custodial interrogation is not at all warranted. Their liberty needs to be protected and as such the following order :-

ORDER

- i. Anticipatory bail application is allowed.
- ii. Applicants/accused in Crime No. 240 of 2016 for the offences punishable under sections 376, 354, 498(A), 341, 323, 504, 506, 201 r/w. section 34 of the Indian Penal Code registered with Vijapur Naka Police Station, Solapur at the instance of Smt. Mahadevi Shrikant Jadhav, in the event of their arrest, be released on bail on executing PR bond of Rs.5000/- each on furnishing a surety in the like amount.

- iii. As a condition of this order, the Applicants shall attend the Vijapur Naka Police Station, Solapur on 14th & 21st June, 2016 from 11 a.m. to 1 p.m..
- iv. In addition, the Applicants are directed that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicants shall not tamper with the prosecution evidence in any manner.
- v. The Applicant should co-operate for expeditious disposal of the trial.

(A. M. BADAR, J.)

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