

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

CRI. BAIL APPLICATION NO. 1124 OF 2016

Dilip Pandurang Pise

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Dhananjayrao D. Rananaware, Advocate for the Applicant.
Mr. Deepak Thakre, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 29th JULY, 2016

P.C. :

1 The applicant/accused in Crime No.158 of 2015, registered with Dahiwadi Police Station, Dist. Satara for the offences punishable under sections 376, 354, 342, 506 of the Indian Penal Code at the instance of the prosecutrix, by this application under section 439 of the Criminal Procedure Code is praying for releasing him on bail on filing of the chargesheet.

2 Heard the learned counsel appearing for the Applicant/accused. He argued that the prosecutrix was desirous of joining the company of her husband who was staying at Thane and, therefore, the applicant who is her father - in-law is implicated in this false case. Learned counsel for

the applicant by taking me through the FIR and statement of the relatives of the prosecutrix, has argued that version of the witnesses about the way in which the prosecutrix returned to her parental house is inconsistent.

3 Learned APP opposed the application by submitting that there is ample corroboration to the version of the prosecutrix, as seen from the medical evidence as well as statement of the daughter of the applicant.

4 Perused the FIR so also the entire chargesheet. The prosecutrix was staying with her in laws at village – Bidal, Tal. Man Dist. Satara alongwith her daughter. Her husband used to stay at Thane and used to visit his parental house intermittently. The prosecutrix averred that on 18.10.2015 at about 11 a.m. taking advantage of the situation that there was nobody in the house, the applicant who is her father in-law, committed rape on her and threatened not to disclose the incident to anybody. Subsequently on 01.12.2015, when there was nobody in the house at about 10 a.m. the applicant outraged her modesty and attempted to commit rape on her. The prosecutrix further reported that then she immediately disclosed the incident to her sister-Shobha, she advised her to lodge a report. Instead of lodging the report, the prosecutrix, as per her version had returned to her parental house. Statement of witnesses reflects disclosure

of the prosecutrix about incidents dated 18.10.2015 and 01.12.2015.

5 Now investigation of the crime in question is over and the chargesheet has been filed. Trial will take its own time. Learned counsel for the applicant has stated that the prosecutrix is staying with her parents. As such there is no possibility of tampering the evidence of the prosecution at the instance of the present applicant. Similarly, there is no possibility of absconding of the present applicant, as he appears to be the permanent resident of the village Bidal in Satara District. Therefore, his pre-trial detention is not warranted and hence, the order :

ORDER

- i. The bail application is allowed.
- ii. The applicant/accused in Crime No.158 of 2015, registered with Dahiwadi Police Station, Dist. Satara for the offences punishable under sections 376, 354, 342, 506 of the Indian Penal Code at the instance of the prosecutrix, be released on bail on executing PR Bond in the sum of Rs. 15,000/- and on furnishing solvent surety in the like amount.

- iii. As a condition of this order, the Applicant should co-operate the trial court in expeditious disposal of the trial pending against him.
- iv. In addition, the Applicant/accused is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.
- v. The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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