

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1150 OF 2016

Anita Rajendra Parkale	..	Applicant
vs.		(Orig. Accused No.2)
The State of Maharashtra	..	Respondent

Mr. Rahul S. Kate, Advocate for the applicant.

Mr. Vinod Chate, APP, for the State.

Mr. N.B. Jadhav, Police Constable – Baramati Taluka Police Station
present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 1st September, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending her arrest in Crime No.267 of 2016 registered at Baramati Taluka Police Station for the offences punishable under Sections 354(b), 452 and 506 of IPC and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short Atrocities Act).

2. On 24.6.2016, the complainant Vaishali Pote lodged a report at the police station in respect of the incident dated 7.4.2016 alleging therein

that she is working in the Poultry farm as a daily wage labourer owned by the husband of the applicant. That on 7.4.2016, the husband of the applicant had taken undue advantage of her poverty and loneliness and had attempted to outrage her modesty. That on the same day at 5.30 p.m., he had also engaged into her house and had touched her inappropriately. On the basis of her statement, Crime No.267 of 2016 was registered for the aforesaid offences.

3. It is pertinent to note that the name of the present applicant does not appear in the first information report. On the same day, the statement of the relative of the first informant was recorded and, according to him, the present applicant had caught hold of him by his collar and had abused him. Prima facie, no case is made out against the applicant either under Section 354(b) of the Indian Penal Code or under the relevant provisions of the Atrocities Act. The allegation of the relative is also that she had caught hold of him and had abused him. It is not specifically stated that the present applicant had abused him by reference to her caste. That the allegations are, prima facie, against the husband of the applicant. In view of this, the applicant deserves pre-arrest bail.

ORDER

(I) The application is allowed.

(ii) In the event of her arrest, the applicant be enlarged on bail on her furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

The Application is allowed and disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)