

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

907 CRIMINAL APPLICATION NO. 1456 OF 2017

SHASHIKANT S/O. LAXMAN PATIL
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant: Mr. S.S. Ladda h/f. Mr. Rahate Satyajeet J.
APP for Respondent/State : Mr. S.M. Ganachari
Advocate for assist to APP : Mr. R.V. Gore

...

CORAM : T.V. NALAWADE, J.
DATED : April 18, 2017.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. Learned counsel Shri. R.V. Gore was allowed to assist the learned APP.

2. The crime is registered at C.R. No. 25/2017 in Police Station M.I.D.C. Paithan for the offences punishable under sections 376, 506 etc. of Indian Penal Code. The age of the prosecutrix is 32 years. She was working with one security agency and she was posted as Guard from 2011 in Incore Health Company, M.I.D.C. Paithan. She has made allegations that present applicant and other employee of the pharmaceutical company namely R.L. Yadav had evil eye on her. It is her contention that due to their harassment, she had made

complaints and then the matter was settled. It is her case that she had resumed the duty in April 2014 and she was again posted in the same pharmaceutical company as a Guard. She has contended that first time in June 2014 on one Friday when the pharmaceutical company was closed due to holiday, she was called by the present applicant and Yadav to the company and in store room, under the threat she was raped. It is her contention that threats were given to her not to disclose the incident to anybody and then on one more occasion, in January 2016 she was again raped by these persons. Thus, in respect of the incidents dated June 2014 and January 2016, she gave report on 25.1.2017.

3. In view of the aforesaid nature of allegations, this Court asked the learned APP to see that the record of so called complaints given by this lady to her employer, security agency is collected. Today a copy of complaint given by the prosecutor dated 30.12.2016 to Special I.G. was produced showing that she had given complaint and she had made allegations that during 2015 and 2016 present applicant and Yadav had raped her and it was Friday.

4. The record produced and submissions made show

that on previous occasion, complaints were made against this lady and initially she was transferred from present company of the present applicant's pharmaceutical company to Videocon Company and then security agency terminated her services. This correspondence does not show that she had made any complaint against the present applicant or Yadav to her own employer. She had also approached police on 11.7.2016 and she had complained that due to the complaints made by the present applicant and Yadav and two others, she was transferred to Videocon Company and then she was removed. Thus, in the previous complaint dated 11.7.2016 made to police she had not made such allegations. First time, she made such allegations in the present F.I.R. and it can be said that in one application to I.G. on 30.12.2016 such complaint was made.

5. The submissions made and the record show that nobody from the company of the prosecutrix or from the company of the applicant is supporting her. It appears that she has habit of making complaints and due to her conduct, complaints were made against her and she was transferred from pharmaceutical company to Videocon company. It appears that she was interested in getting back the job. In view of these circumstances, this Court holds that the protection needs to be

given to the applicant.

6. In the result, the application is allowed. Interim relief granted by this Court on 10.4.2017 is confirmed. The applicant is to appear before the concern police on every Sunday between 9.00 a.m. and 12.00 noon for the period of one month and he is to cooperate the police during investigation.

[T.V. NALAWADE, J.]

SSC/