

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2905 OF 2017

1. Ramprasad Gulabchand Baheti ... **Applicant**
Age 69 years, Occu: Business,
R/o Market yard, Basmat, Dist.
Hingoli

VERSUS

The State of Maharashtra ... **Respondent**
Through Police Station Officer,
Hatta, Dist. Hingoli

Mr.Swapnil S.Rathi , Advocate for the applicant.
Mr.S.J.Salgare, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard, the learned counsel for the applicant
and the learned A.P.P. For the State.

2. Present Criminal Application is filed under
section 438 of the Code of Criminal Procedure for
grant of anticipatory bail in connection with Crime
No. 115/2015, registered with Hatta Police Station,
District Hingoli for the offences punishable under
sections 376(1), 506 of the Indian Penal Code.

3. The learned counsel appearing for the applicant submits that the present applicant had filed a Criminal Application bearing No. 202/2016 for anticipatory bail. However, it was withdrawn since the allegations made by the prosecutrix were withdrawn by giving statement under section 164 of IPC.

4. The prosecutrix lodged complaint to the police station alleging that on 22/12/2015 when she was in the house at 6 p.m. with her two sons, the present applicant came near the godown. He send his driver out side. When the prosecutrix was in the godown, at that time the present applicant committed rape on her. At that time, her two sons were making hue & cry. After commission of the crime, the present applicant has threatened the prosecutrix to kill her if the incident is disclosed to anybody.

5. Subsequently, the statement of the present prosecutrix recorded by the Judicial Magistrate, First Class, Aundha Nagnath on 12/02/2016 and the Police have recorded her supplementary statement on

21/02/2016, wherein she has specifically stated that she had filed a false complaint against the present applicant out of fear and impression that the accused will remove her husband from employment.

On 22/01/2017, again, the police have recorded the statement of the prosecutrix in which she has stated that due to the pressure of Parasmal Jain she had given statement before J.M.F.C. as well as supplementary statement before Police and now she wants the police to take action against the applicant.

6. Looking to the contents of the F.I.R, her statement under section 164, and supplementary statements recorded by the police, it appears that the prosecutrix is changing her versions from time to time. and therefore, she is not a reliable witness. I think, the prosecutrix is misusing the police machinery as per her whims and has lodged a false complaint. In such circumstances, I am of the opinion that custodial interrogation of the applicant is not needed and therefore, the

applicant can be enlarged on anticipatory bail.

Hence following order:

O R D E R

- (1) In the event of arrest of the applicant in connection with Crime No. 115/2015, registered with Hatta Police Station, District Hingoli, he shall be released on bail on his executing P.R. Bond of Rs. 5,000/- [Rs. Five thousand only] , with one solvent surety in the like amount.

7. Criminal application disposed of.

(K. L. WADANE, J.)

JPC