

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 230 OF 2017

Kashinath Hanumant Panchamgiri	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. V.V. Phatate, Advocate for the Applicant.
Mr. Sooraj S. Hulke, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **17th February, 2017.**

P.C.:

This Application is moved for anticipatory bail under section 438 of Cr. P.C. The applicant-accused is apprehending arrest in C.R. No. 330 of 2016 registered with Akkalkot North Police Station, Solapur for the offences punishable under sections 326A, 452, 504, 506 r/w. 34 of the Indian Penal Code. The offence is registered at the instance of Kasturbai Vishwanath Bosagi on 10th October, 2016.

2. It is the case of the prosecution that complainant is a resident of village Sadlapur, Akkalkot. She has two sons, namely, Rajkumar and Prakash. Co-accused Ambaji Panchamgiri, who is brother of the applicant/accused, has raped Kavita, wife of Prakash two years prior

to the present incident and accordingly FIR was registered with Akkalkot Police Station and since then the applicant/accused was after the complainant and her family members that they should withdraw the case, otherwise he would kill them. On 9th October, 2016 at around 11 p.m., when they were in their house and about to sleep, Ambaji and his brother/applicant Kashinath and other two persons entered the house of the complainant and threatened that they should withdraw the rape case. Ambaji poured kerosene on her and her husband and when applicant/accused as about to lit a matchstick, the complainant and her husband raised commotion. On hearing this, Prakash came outside the room and started shouting. Thereafter they both ran away. In the morning, the complainant went to the police station and gave complaint.

3. The learned counsel for the applicant/accused submitted that it is unnatural to believe that after the incident, no villager came to rescue them and it was not seen by anybody. He submitted that applicant/accused is innocent and he has not committed any offence.

4. Learned APP opposed the Anticipatory Bail Application.

5. After going through the complaint, the manner in which the offence is committed and considering the previous history of rape against the co-accused, I am not inclined to grant pre-arrest bail. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)