

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 359 OF 2017**

Prakash Bhupal Bindage

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Manoj Patil for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 29th MARCH, 2017

P.C.

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 18 of 2017 registered with the Shirol Police Station, Kolhapur, for the alleged offences punishable under Sections 376(f), 498A r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has been falsely named in the FIR and that false allegations have been

made against him. He further submits that no such incident as alleged had taken place.

4. Learned A.P.P has tendered the 164 statement of the complainant/prosecutrix. The same is taken on record.

5. Perused the papers including the 164 statement. The applicant is the brother-in-law of the complainant. The complainant is a married woman having two children. It appears that because of the dispute between the complainant with her husband and in-laws, she started residing in the same house, separately with her husband and children. According to the complainant, the applicant was asking the complainant to give her son in adoption to him, as he had no son. She has stated that she had refused to give her son in adoption to the applicant. She has further stated in her complaint that the applicant entered her room and committed forcible intercourse. The said complaint regarding the incident was lodged one month after the said incident. In her 164 statement dated 24th March, 2017, the complainant has stated that she has no complaint against any person and that she had lodged the complaint in a fit of anger. It is not in dispute

that all the other co-accused i.e. husband and in-laws have been enlarged on bail by the trial Court. It is also not in dispute that the applicant had attended the concerned Police Station pursuant to the interim order dated 8th March, 2017 and has cooperated with the investigation.

6. In the facts and circumstances, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on every Sunday between 11:00 a.m. and 12:00 p.m, till the filing of the charge-sheet;
- (iii) The applicant shall not tamper with the evidence and shall not attempt to influence, pressurize or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.