

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1361 OF 2017

Karan Navnath Bhosale & Ors	...Applicants
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. P.G. Sarda, for the Applicant.
Mr. S.S. Hulke, A.P.P. for the State/Respondent.

CORAM: T.V. NALAWADE, J
DATED: 10th August 2017

PC:-

1. The Application is filed for relief of anticipatory bail in Crime No.410 of 2017 registered in Baramati City Police Station, Baramati, for the offences punishable under Sections 376, 354, 452 r/w 34 of Indian Penal Code. Both sides are heard.

2. The FIR is given by prosecutrix aged about 26 years. She was married, but she was living separate from the husband and she was living in the house of her parents. One Sagar Bhosale resident of Baramati was known to her. As in the year 2012 she was studying in 12th Standard in college from Baramati. Sagar had expressed his desire to marry with her. She had ignored Sagar at that time.

3. She has made allegation that in the year 2012 Sagar had quarreled with one boy who had teased the prosecutrix. She has contended that, in that year by deceiving her, she was taken to a flat by Sagar and there he had raped her. That incident was of year 2012. She got married in the year 2014. Sagar disclosed to the persons from matrimonial house of prosecutrix about his relationship with prosecutrix due to that she was deserted. Then Sagar established relationship with her. She has made allegations that she was feeling harassed due to that conduct of Sagar. She has made allegation that on 5th July 2017 she was forcibly taken to a flat and there she was again raped. She had then given threat him that she will approach police. On 11th July 2017 at about 1.30 pm or 9 pm Sagar came to her house with present Applicants. Allegations made that they forcibly opened the door and assaulted brother of the prosecutrix. Allegation is made that in said incident Sagar had expressed that he wanted to have relationship with her. She has made complaint that present Applicant also said that they would also like to have relations with her. When persons started gathering they ran away. She gave report on the same day and the crime came to be registered.

4. The submission was made that Sagar is already arrested. Applicant no.2 is a brother of Sagar. The learned APP submitted that Applicant no.2 is a history-sheeter and one case for the offence punishable under Section 394 of Indian Penal Code was filed against him in the year 2012 and it is still pending. It was submitted by the learned APP

that against Applicant nos.1 and 3 one case for the offences punishable under Section 324 of Indian Penal Code is filed.

5. Due to the relationship of Applicant no.2 Sudarshan with the main accused and due to his bad antecedents, this Court holds that protection cannot be given to him. However, Applicant no.1 appears to be a student and Applicant no.3 is a labour and there is no record of that bad antecedents against them. Due to this circumstances this Court holds that protection can be given to Applicant nos.1 and 3.

6. The Application of Applicant no.1 Karan Bhosale and Applicant no.3 Ganesh Bhosale is allowed. Ad-interim relief granted in their favour is confirmed.

7. The Application of Applicant no.2 Sudarshan stands rejected. Ad-interim relief granted in his favour stands vacated.

(T. V. NALAWADE, J.)