

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2499 OF 2015

Mr. Sanjay Vikya Talha	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kaushik M. Mhatre, Advocate for the applicant.

Mr. M.G.Patil, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 12th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.

The applicant herein is arrested on 3.7.2015 in Crime No.69 of 2015 registered at Kasa Police Station. The investigation is completed and charge-sheet is filed against the applicant for the offence punishable under Section 376 of the Indian Penal Code.

2 (a). It is the case of the prosecution that Renuka happens to be the daughter of first cousin of the applicant. She was married to Satish Babar. It appears that she was the second wife of Satish and there used to be intermittent quarrels between her husband and herself due to intervention of his first wife.

(b) On 3.7.2015, Renuka lodged a report at the police station on 29.6.2015. The applicant being her paternal uncle had enquired with her as to why she was not cohabiting with her husband. She had disclosed that a discordant note struck between them and he is not willing to co-habit with her. The applicant had assured her that he would take action against her husband and see to it that he would cohabit with Renuka. He called upon her husband Satish Babar and asked him to come midway and that he would bring Renuka along with him and that Satish should take away Renuka to her maternal home.

© It is further alleged that Renuka had reposed faith in the applicant and had proceeded with him. When they were on the way, the applicant had not only misbehaved with her, but had ravished her against her wish. She was in a state of shock due to close relations between her and the applicant. He had informed her parents about this and accordingly first information report was lodged.

3. Perused the compilation of the charge-sheet. The CDR

details would disclose the incident. The applicant had called upon Satish Babar. There is more than sufficient incriminating material to indicate the involvement of the applicant.

4. The learned counsel for the applicant submits that the applicant and the first informant had love affair and only when it came to light, she has lodged a report against him.

5. Taking into consideration the relations between the parties, it cannot be believed that they have love relations. Moreover, there is no reason to disbelieve the complainant at this stage and it would be a matter of trial. In view of this, the applicant does not deserve to be enlarged on bail.

6. The application being sans merit, stands rejected.

7. The learned Sessions Judge shall not be influenced by the same at the time of trial.

(SMT. SADHANA S.JADHAV, J.)