

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 206 OF 2018

P.C.:

2 This is an application under section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 534 of 2017 registered at Baramati City Police Station for

offence punishable under section 452, 376, 354, 506 of the Indian Penal Code.

3 It is the case of the prosecution that on 1/9/2017 complainant approached police station and reported that she is widow since 12 years. She was acquainted with the applicant for more than 3 years. The applicant used to visit her house intermittently. On 18/8/2017 at about 10 a.m. when she was at home alongwith her son, the present applicant had been to her house. Immediately he left their house. At about 10.30 a.m. her son Shubham had left for the I.T. Course. The applicant went to the house of the first informant at 11 a.m. He had forced himself upon her and ravished her against her wish. He had threatened her of dire consequences. On 28/8/2017 when the complainant was at home alongwith her niece, the applicant had been once again to the house of the first informant and asked her niece to leave the house as he wanted to talk with the complainant. It is alleged that thereafter, the applicant had attempted to outrage her modesty.

4 The learned Counsel for the applicant vehemently submits that in fact, the complainant and the applicant were in relationship for more than 3 years. On the day of the incident he had visited the house when her son was at home and therefore, the applicant had left the house immediately and he had revisited only after the son had left for classes. It is submitted that the incidents are blown out of proportion.

5 Taking into consideration the papers of investigation, medical evidence and other relevant statements, this Court is of the opinion that the applicant deserves to be granted pre-arrest bail.

6 However, it is made clear that the observations made hereinabove are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the trial court shall not be influenced by the same for the purpose of quashing of FIR, discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 534 of 2017 registered at Baramati City Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)