

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.438 OF 2018

Shubham Tanaji Ingavale	..Applicant
vs.	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.439 OF 2018**

Pradeep @ Pratik Laxman Mali	..Applicant
vs.	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.440 OF 2018**

Suresh @ Rajendra Dattatray Kachare	..Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Vaibhav A. Sugdare i/b Mr. Nilesh S. Patil for the Applicants.
Mr. N. B. Patil, APP for the Respondent.
Mr.Navnath Sul, PSI, Ichalkaranji Police Station, Kolhapur.

**CORAM : P. N. DESHMUKH, J.
DATE : 7th MARCH, 2018**

P.C.:

. Issue notice. Learned APP waives notice. Heard Mr.Sugdare, learned counsel for the Applicants and Mr.Patil, learned APP. Perused the case diary.

2. Applicants are involved in C.R. No.20/2018 registered with Gaonbhag Police Station for offences punishable under Sections 376, 323, 506 read with 34 of IPC.

3. Mr.Sugdare, learned counsel for the applicants contended that though names of all the applicants are mentioned in the report lodged by the prosecutrix, who is major and married, all the contents of the FIR are concocted and establishes false involvement of the applicants in the alleged incident of rape upon her by Ajay Ingale. By pointing to the contents of the report it is submitted that according to the prosecutrix before she was subjected to sexual assault at the hands of Ajay Ingle, he was accompanied by complainant's husband, step son and the applicants. By referring to the contents it is submitted that same does not inspire confidence in any manner as according to the complainant along with applicants, her husband and step son forcibly took prosecutrix in a room situated at upper floor and on extending threats directed the prosecutrix to submit her to Ajay Ingle on which they would obtain the shooting.

4. Perusal of the report substantiates the case of the applicants submitted as above and contents as such does not found to be convincing to be acted upon. Even otherwise, the role attributed to the Applicants is of assaulting the complainant and said Ajay Ingle by kick and fist blows.

5. Mr.Patil, learned APP by referring to the statement of prosecutrix recorded under section 164 of Cr.P.C. dated 12/2/2018 and the report dated 8/2/2018 submitted that the statement of prosecutrix in clear terms involve all the applicants and has contended that on the date of incident her husband, step son and applicants all of a sudden arrived and inquired about her while she was inside the room and on her opening the door started assaulting Ajay Ingale.

6. Having considered the statement of prosecutrix there is sufficient reason to prima facie hold that applicants are falsely involved. Even otherwise the applicants do not found to have participated in the act

of sexual assault on the complainant. In the circumstances, application is allowed as per the order below:

ORDER

- i) In the event of arrest of the applicants in C.R. No.20/2018 registered with Gaonbhag Police Station, the applicants be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount.
- ii) Applicants shall mark their presence with the Investigating Officer for a period of 2 days on 10/3/2018 and 11/3/2018 between 10.00 a.m. to 1.00 p.m. and, thereafter, as and when called till the filing of charge-sheet.
- iii) Applications are disposed of on the above terms.

(P.N. DESHMUKH, J)