

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

BAIL APPLICATION NO.1506 OF 2018

Mr. Ankush Shivaji Shingade Applicant

Vs.

The State of Maharashtra Respondent

Mr. Shashikant P. Chaudhari a/w Ms. Snehal S. Chaudhari a/w Mr. Nilesh G. Tank a/w Mr. Pranot P. Pawar I/by Maharashtra Law Associates for the Applicant.

Mr. Rajan Salvi, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 13th August, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 7th January 2018 in Crime No.41 of 2018, registered at Vaduj Police Station, for the

offences punishable under Sections 376 and 506 of Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that the complainant Pooja Sharad Shingade is married woman. She is a mother of one child namely Jay. On 6th January 2018, there was trifling quarrel between her and her husband. On 7th January 2018, since she was angry with the incident on the preceding day, she had left the house with her son. The husband had tried to fetch her back. Thereafter her husband asked her to go to her maternal home. The complainant has refused the same, since her mother was not on talking terms with her because she had performed love marriage. At Vaduj Bus stop, the present applicant, who happens to be relative of her husband met her and informed her that in case she desires to save her son, she should accompany him. According to her in order to save her son, she had accompanied the present applicant. They had been to Kolhapur. They stopped at Tea Stall, where they had tea. They had disclosed to the owner of Tea Stall i.e. one Laxmi Bavkar that they are husband and wife and in search of a rental house.

Thereafter, Laxmi Bavkar had contacted with one Mulla and had facilitated a rental premises for the applicant and the complainant. After about a fortnight, she had learnt that her husband has filed a missing complaint and hence they decided to come to the police station.

4 The complainant has specifically stated that the applicant had sexual intercourse with her against her will and had sexually abused her.

5 In the course of investigation, the statement of Tea Stall owner, who had facilitated the rental premises for the applicant and the complainant was recorded. She has specifically stated that after they had started residing in the rental premises, she used to visit Tea Stall owner and used to chat with her. It appears that Tea stall owner had never suspected that they were not husband and wife. It is in these circumstances, the applicant deserves to be enlarged on bail.

6 The observations are restricted to the application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- iii) The applicant, within four weeks from the date of release shall furnish his residential address, cell-phone and other details to the investigating officer.
- iv) The applicant shall not reside at Vaduj and Khatav till conclusion of the trial.

(*Smt. Sadhana S. Jadhav, J*)