

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

ANTICIPATORY BAIL APPLICATION NO.1413 OF 2018

Atul Ankush Jadhav & Anr.		Applicants
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Aniket U. Nikam I/by Mr. Aashish Satpute for the Applicants.
Mr. Prashant Jadhav APP for the State.

Mr. Sudhir A. Toradmal, API Lonikand Police Station, Pune (Rural)
present.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 26th July, 2018

P.C.:

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

2 This is an application under Section 438 Code of Criminal
Procedure. The applicants herein are apprehending their arrest in
Crime No.565 of 2018, registered at Lonikand Police Station, District
Pune, for the offences punishable under Sections 376, 366, 363, 504,

506 read with 34 of Indian Penal Code and under Sections 4, 8, 12 of POCSO Act.

3 It is the case of prosecution that the applicant happens to be a Doctor by profession. The first informant happens to be the paternal aunt of the victim. Since her parents had expired, she was being taken care by the first informant. The principal accused Subhash Shinde was their neighbour and the accused Kartik Gujkar is his brother-in-law. It is alleged that they developed close relations. Subsequently, he got married to the victim and after two months she was being harassed, ill-treated by Kartik and therefore she started residing with the first informant. The first informant had suspected that the victim had conceived pregnancy and therefore she was taken to the present applicant.

4 On the basis of the report, Crime 565 of 2018 was registered. The statement of the victim under Section 164 of Cr.PC. came to be recorded. She has candidly stated in her statement that it was her aunt's suspicion that she was carrying pregnancy and

therefore she was taken to the hospital. He had specifically diagnosed her anaemic condition and had prescribed certain tablets. In her statement under Section 164 Cr.P.C., the victim has withdrawn all the allegations against the present applicants. In view of aforesaid observations, the applicants deserve grant of pre-arrest bail.

5 However, the observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

iii) The applicant shall report to the concerned police station as and when called by Police and co-operate the investigating agency.

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