

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

ANTICIPATORY BAIL APPLICATION NO.2008 OF 2018

1) Bijendrasingh Bidlan; &	
2) Smt. Laxmi Bijendrasingh Bidlan	.. Applicants
Vs.	
State of Maharashtra	.. Respondent

.....
Mr.Anjali Patil, Advocate for the Applicants.
Mr.A.R. Kapaadnis, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 28, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-55 of 2018, registered with Sanpada Police Station, Navi Mumbai, for the offences punishable under Sections 376, 323 and 506(2) read with 34 of Indian Penal Code (For short “IPC”).

2 The prosecution case is that the complainant is the daughter of applicants and sister of the co-accused Narendra. She was married to one Anil against the wishes of the applicants and her brother and, hence, there was dispute between them.

There relations were strained on account of the said animosity. Co-accused Narendra committed rape on the complainant. She was also threatened that she will be killed. Whenever she used to be in the house of the accused, her brother had sexually assaulted her. She informed about the incident to the parents (applicants), however, instead of taking any action against Narendra, they kept mum and did not respond to her grievance. In February 2018, accused Narendra again sexually assaulted her and hence the First Information Report (For short "FIR"), was lodged on 29th April, 2018, for the aforesaid offences.

3 FIR is vague. It does not specify the exact date of alleged incident. Apparently, the relationship between the applicants and the victim is strained on account of her marriage without their approval. In any case, role assigned to the applicant is that, when the complainant made her grievance against her brother to the applicants, they did not respond and did not initiate any action against her brother.

4 Brother of the complainant Narendra is already arrested on 11th August, 2018, and, he is in custody since then.

5 Taking into consideration the aforesaid facts, the nature of offence and the alleged role assigned to them, custodial interrogation of the applicants is not necessary. Applicants are, however, directed to cooperate with the investigation.

6 Hence, I pass the following order:

:: ORDER ::

- (i) In the event of arrest of the applicants, in connection with C.R.No.I-55 of 2018, registered with Sanpada Police Station, Navi Mumbai, they may be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount;
- (ii) Applicants are directed to attend the investigating officer as and when called for;
- (iii) Anticipatory Bail Application No.2008 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)