

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1459 OF 2019

Sujay Sunil Jadhav, Age 30 years,
Occ.Service, R/o.Survey No.3349, Swapnapurty
Bungalow, Chandan Nagar, Kodoli, Satara
(Presently lodged at Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Priyal Sarda i/by Rajaram V. Bansode for applicant.
Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd November 2019

PC :

1. The applicant is seeking bail in connection with CR No.32 of 2019 registered with Satara City Police Station for offences under Sections 376(F), 323, 506 of Indian Penal Code.

2. The prosecution case is that the complainant is sister-in-law of the applicant. The complaint was lodged on 9th January 2019. It is alleged that the husband of the complainant has expired on account of ailment. The applicant who is her brother-in-law is residing separately and he used to visit Chandan Nagar, Satara. On 29th September 2018 the applicant as well as other persons had visited the house of complainant. There was an altercation over the property dispute between them. It is alleged that the applicant had entered into the bed room of the complainant and committed sexual

intercourse. It is also alleged that the father-in-law was trying to come closer to her and even he had committed similar act on 9th January 2019. The FIR was registered on 9th January 2019.

3. The applicant was arrested on 10th January 2019. On completing investigation charge sheet is filed. Learned advocate for applicant submitted that false complaint has been lodged against the applicant and his father. The father was arrested and he has been granted bail by Sessions Court. It is further submitted that although the alleged incident had occurred on 28th September 2018, the FIR was lodged on 9th January 2019. The father of the applicant who is aged about 64 years, was also implicated in this case. There is property dispute which is reflected in the FIR.

4. Learned APP submitted that on account of fear as expressed in the FIR, there was delay in lodging the FIR. It is further submitted that the complainant has attributed overt act of having committed alleged offence to the applicant. The father of the applicant was granted bail by taking into consideration his age and medical ground. He further stated that statement of one of the witness recorded during the course of investigation mentions that applicant had made extra judicial confession to the said person. He, therefore, submitted that application be rejected.

5. Peruse FIR. The applicant and complainant are related to each other. She is the wife of applicant's brother who had passed away. The alleged incident qua applicant had occurred on 28th September 2018. The FIR was lodged on 9th January 2019. The father of applicant was also implicated who is granted bail. The prosecution is

relying on statement of Narendra Lembhe which was belatedly recorded on 3rd February 2019. It is stated that he acted as a mediator for resolving the disputes between the parties. Apparently there is dispute between parties after the death of complainant's husband. The version of complainant speaks volumes of doubt. Charge sheet is filed. The applicant is in custody from the date of arrest.

6. Considering the aforesaid circumstances, case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1459 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.32 of 2019 registered with Satara City Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not visit the place of residence of complainant till conclusion of trial;
- (iv) The applicant shall not tamper with evidence;
- (v) The applicant shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reasons.

(PRAKASH D. NAIK, J.)

MST