

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2357 OF 2019
WITH
INTERIM APPLICATION NO. 01 OF 2019.**

Laxman @ Pintu Bajirao Padule

..Applicant

Versus

The State of Maharashtra

...Respondent

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Mr.Gaurav Parkar, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the State-Respondent.

Mr. Sujeet R. Bagade, for Intervenor in Interim Application No.01 of 2019.

Mr. D.J. Kumbhar, P.S.I. Barshi Taluka Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th November, 2019

PC :

1. The applicant is seeking Anticipatory Bail in connection with C.R. No. 203 of 2019 registered with Barshi Police Station, District:Solapur, for offences punishable under Sections 354(A)(1) (ii), 452, 323, 504, 506, of Indian Penal Code (for short "IPC") and Section 12 of Protection of Children from Sexual Offences (for short "POCSO") Act. The FIR was lodged on 15th September, 2019.

2. The complainant has alleged that she was in relationship with the applicant. She was acquainted with accused since 7 to 8 years. Since last four years he has been troubling her. On 10th September, 2019 the applicant had visited the premises of the complainant. Her

two daughters aged 17 years and 14 years were at home. He abused the complainant. He stated that he would abused the virginity of elder daughter and started pulling her. The complainant protested and closed the door. On 14th September, 2019, the applicant again visited complainants' house. He stated to elder daughter that he would sleep with her and outraged her modesty. He assaulted complainant and by threatening her, left the house.

3. The Incident is witnessed by other witnesses whose statements are recorded during the course of investigation. Learned counsel for the applicant submitted that false complaint has been lodged against the applicant. The motive for lodging the complaint is to extort money from the applicant. The complainant was in the relationship with the applicant and there was no such complaint in the past.

4. Learned APP and learned advocate for the intervenor submitted that the offence is of serious nature. Specific role has been attributed to the applicant. There are eye witnesses to the incidents who corroborated the version of the complainant. The complainant had also lodged the complaint against the brother of the applicant, which was treated as non-cognizable complaint. The brother of the applicant had threatened the complainant for withdrawal of the complaint.

5. The First Information Report and the other documents clearly attributes the role to the applicant having committed the alleged offences. The daughter of the complainant is aged about 17 years. Looking to the nature of the allegations in the complaint which is supported by other statements of witnesses, no case for grant of Anticipatory Bail is made out.

ORDER

- i) Anticipatory Bail Application No. 2357 of 2019 stands rejected and disposed of;
- ii) Intervention application also stands disposed of.

(PRAKASH D. NAIK, J.)