

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.369 OF 2019

Sunny Subhash Khobre] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. S.V. Pradhan, Advocate for the Applicant.

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

CORAM :- SARANG V. KOTWAL, J.

DATE :- 24 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.32/2019 registered with Daund Police Station, Pune (Rural) u/sec. 376, 498-A, 323, 504, 506 r/w 34 of I.P.C.

2. The FIR is lodged by the prosecutrix on 12/01/2019. According to her, she got married with her husband on 30/01/2017. The present applicant is her brother-in-law i.e. brother of the husband. According to her, initially she was treated properly after marriage. But thereafter, the family members of the husband started demanding Rs.15 Lakhs for purchasing flat. The husband used to ill treat and assault her. The prosecutrix used to express her inability to bring the

demand amount. It is her specific case that in the month of March 2018 when her husband was not in the house, in the mid night the present applicant committed rape on her and threatened her. When the prosecutrix narrated this incident to her husband and his parents, they did not pay any attention and instead assaulted the prosecutrix herself. Thereafter, the prosecutrix and her husband started residing in some other flat at Navi Sangavi from May 2018. However, even then the ill treatment at the hands of prosecutrix's husband continued. On one occasion she was assaulted and she left the house. She was admitted to Aundh hospital. Thereafter, her parents came, but they did not take the prosecutrix with them. Again the prosecutrix was taken to a flat by her husband and they stayed there till June and July, 2018. But even then, the ill treatment continued. Ultimately, the prosecutrix called her parents and then she started residing with them. Thereafter, she gave complaint against the family members of the husband. After the reconciliation process and efforts failed, she lodged the FIR.

3. Heard Mr. S.V. Pradhan, Ld. Counsel for the Applicant and Mr.S.H. Yadav, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that the FIR is lodged belatedly. There are no specific allegations. The applicant is a police constable and he will lose his job, if he is arrested on these false allegations. He submitted that the applicant was on duty in March 2018.

5. Looking at the allegations in the FIR, it is clear that the prosecutrix has made specific allegations against the present applicant. The prosecutrix had not given the date of the incident. In this case the incident had occurred in the mid night when her husband was not in the house. Considering the serious nature of allegations, custodial interrogation of the applicant is necessary and therefore, no case is made out for anticipatory bail. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)