

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 683 OF 2019

Rehan Tajammul Walele

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Niranjan Mundargi I/b K.D. Ambulkar for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 19th March 2019.

P.C.:

1] The applicant is apprehending arrest in CR No.I-256 of 2018 dated 21st June 2018 registered with Nallasopara Police Station, District-Palghar under Sections 498-A, 377, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3] The learned counsel for the applicant submitted that, in the Notice/Complaint bearing dated 28.4.2018 addressed by the first informant to the Senior Inspector of Police, Nalasopara Police Station, District-Palghar, the allegations under Section 377 of the Indian Penal Code are

missing and therefore it is an afterthought of the informant to incorporate the said allegations while lodging the present crime. That the photographs annexed to the application shows that, the wife was happy at her matrimonial house. That she never disclosed the fact of unnatural sexual assault on her to her parents. He submitted that, the applicant is an employee and he may be protected by pre-arrest bail by allowing the application.

4] The first information report is self-eloquent. The first informant is the wife of the applicant. The first informant has given various instances of unnatural sexual assault on her by the applicant. In the first information report, it is categorically stated that, though the informant told her ordeal to her in-laws, they ignored it and the applicant continued to cause undue harassment and cruelty to her. The first informant in the report at various places has narrated the said several assault committed by the applicant. She has categorically stated that, due to that constant assault by the applicant, she suffered ailment and had to take medicines. It is the further prosecution case that, the Shtridhan received by the informant in her marriage has been deceitfully retained by the applicant. The said Shtridhan is yet to be recovered from the applicant.

5] The allegations against the applicant are undoubtedly serious in nature and requires through investigation by the police. After taking into consideration the gravity of offence and serious allegations against the applicant, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

6] Application is accordingly rejected.

(A.S.GADKARI, J.)