

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1237 OF 2019

Dilip Namdeorao Jagtap] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. B.D. Joshi i/b A & G Legal Associates LLP for Applicant.
Smt. A.A. Takalkar, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 11 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.206/2019 registered with Upnagar Police Station, District Nashik u/sec. 313, 377, 498 (A) of I.P.C.

2. The FIR is lodged by the prosecutrix on 11/04/2019. It is her case that before meeting the applicant she was a divorcee and had a son from her earlier marriage. After her divorce applicant developed close friendship with her. The prosecutrix got married with the applicant on 22/11/2002. Thereafter, they started residing together. She got pregnant. It is alleged by the first informant that in the year

2003-2004 she was made to undergo procedure for abortion forcibly. She has further alleged that the applicant used to force her to indulge in unnatural sex and she was physically abused. Based on these allegations she has claimed that since 2002-2013 the applicant had harassed her.

3. Heard Mr.B.D. Joshi, Ld. Counsel for the Applicant and Smt.A.A. Takalkar, APP for State/Respondent.

4. Ld. Counsel for the applicant submitted that before lodging the FIR, the first informant had filed criminal private complaint in the court of J.M.F.C., Thane. The said complaint is registered as RCC No.1787/2014. In that private complaint she had made similar allegations. That court took cognizance of the offence and issued process only u/sec. 420, 494, 495 of I.P.C. vide order dated 25/11/20014. In that connection the applicant is also granted bail.

5. Looking at the gross delay in filing the FIR and also taking into account the fact that first informant had also filed a complaint which is pending before the competent court; it is obvious that the first informant has filed this FIR with malafide intention. In spite of the

process having been issued only u/sec. 420, 494 and 495 of I.P.C. she had not taken any further steps to prosecute the applicant u/sec. 313, 377 and 498 (A) of I.P.C. based on the same allegations in her private complaint. The prosecutrix has not mentioned about pendency of her private complaint in the FIR. Considering all these factors there is strong possibility that the applicant is falsely implicated and therefore, custodial interrogation of the applicant will cause irreversible loss to his reputation. The applicant was attached to police department and has retired. Today he is 65 years of age. The custodial interrogation of the applicant is not necessary in this case. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.206/2019 registered with Upnagar Police Station, District Nashik the Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)