

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1400 OF 2019**

Geetanjali Jaywant Patil

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kabul Singh Labana for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

API Mr. Nitin M. Chougule from Badlapur (West) Police Station, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 1st JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-39 of 2019 registered with the Badlapur (West) Police Station, Thane, for the alleged offences punishable under Sections 376(f)m 420m 323m 504, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

3 Perused the papers. The applicant's son and the prosecutrix were love with each other since 2017. On 15th October 2017, the applicant's son and the prosecutrix got engaged with the consent of their respective parents. It is alleged that thereafter the applicant's son and the prosecutrix started visiting lodges and had physical relationship. It is alleged that the applicant's son video-graphed the act. According to the prosecution, an amount of Rs. 7,55,000/- (in instalments) was given by the prosecutrix's mother to the applicant.

4 Learned counsel for the applicant denies the said allegation. He submits that the allegation made by the prosecutrix is that the said money was given by the applicant's son for business purpose. It is alleged that the applicant and her husband, sometime in January 2019, stated that they will not get their son married to the prosecutrix, pursuant to which, the aforesaid complaint was lodged. It is not in dispute that the applicant's son has been enlarged on bail. There is a delay of almost 2 years in lodging the FIR. There appears to be some inconsistency in the statement of the prosecutrix recorded under Sections 161 and 164 of the Code of Criminal Procedure.

5 Considering the allegations as against the applicant, her custodial interrogation is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called;
- (iii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) The applicant to cooperate with the investigating agency.

6 The application is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8 At this stage, learned A.P.P states that applicant's husband's bail application has not been decided by the learned Sessions Court. The learned Sessions Judge to decide the applicant's husband's bail application as expeditiously as possible and in any event, within one week from today.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.