

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**Criminal Anticipatory Bail Application NO. 2060 OF 2019**

|                          |               |
|--------------------------|---------------|
| Amjad Salluddin Mulani   | ...Applicant  |
| <i>Versus</i>            |               |
| The State Of Maharashtra | ...Respondent |

....  
Mr. Jitendra Gaikwad, Advocate for the Applicant.  
Mr. Prashant Jadhav, APP, for the Respondent-State.  
Mr. Tejas M. Mohite, PSI, Daund Police Station is present in Court.  
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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 24<sup>th</sup> SEPTEMBER, 2019**

**P.C.**

1. The applicant is seeking anticipatory bail in connection with C.R. No.475/2019 registered with Daund Police Station, District - Pune under Sections 376 and 506 of I.P.C.
2. The offence is lodged by the prosecutrix on 6.9.2019. She has stated in her FIR that the prosecutrix was residing at Swami Chicholi Shaikh Wasti, Daund, Taluka Daund, District Pune. She was residing with her husband, two sons, father-in-law and

mother-in-law. The applicant was residing in the vicinity with his family. On 18.3.2019, the prosecutrix's husband and father-in-law went to Aurangabad at around 9:00 p.m. Her mother-in-law was sleeping with the prosecutrix's sons in the hall. The prosecutrix was sleeping in the kitchen. In the night, the applicant came and forcefully took her in the court yard and forcefully committed rape. The prosecutrix immediately informed about it to her mother-in-law. Her mother-in-law got scared and they decided to wait till the prosecutrix's husband and father-in-law returned. On the next day, the incident was told to them. However, they were also scared and did not pursue the matter by lodging FIR. However, the applicant continued harassing her and on 5.9.2019 he started moving around her house for harassing her. Therefore, left with no option, the first informant lodged her FIR.

3. I have heard Shri Gaikwad, learned Counsel for the applicant and Shri Jadhav, learned A.P.P for the State.

4. Learned Counsel for the applicant submitted that there is inordinate delay in lodging the FIR. The incident could not have taken place because the mother-in-law was in the house. He

submitted that the applicant's brother had given a complaint to the police on 30.8.2019 against the prosecutrix's father-in-law and, therefore, as a counter-blast this FIR is lodged.

5. Learned A.P.P. opposed these submissions and added that the offence is serious and though there is delay, at this stage the prosecutrix's version cannot be doubted.

6. I have considered all these submissions. Though there is delay of about six months in lodging the FIR, the prosecutrix has explained as to why the FIR was not lodged by her till September, 2019. She has stated that the applicant continued harassing her and started moving around her house and, therefore, she has chosen to lodge the FIR. This explanation, at this stage, does not appear to be unnatural. The submission that the applicant's brother had given a complaint to the police station against the father-in-law also does not have any force because the complaint was not lodged by the applicant and it was not lodged against the prosecutrix or her husband. The connection between these two is a little far fetched at this stage.

7. In this view of the matter, though there is considerable

time gap between the incident and lodging of the FIR, considering the gravity of the offence, custodial interrogation of the applicant is necessary. No case is made out for grant of anticipatory bail. Application for anticipatory bail is dismissed.

**(SARANG V. KOTWAL, J.)**