

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2584 OF 2018**

Shantaram Govind Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Mohammed Umar Z. Kazi I/b Mr. Raviraj S. Gamare for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th JUNE 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-192 of 2018 registered with the Khadakpada Police Station, Kalyan, District Thane, for the alleged offences punishable under Sections 376, 114, 34 of the Indian Penal Code.

3 Perused the papers. The applicant is the father-in-law of the complainant/prosecutrix. According to the complainant, she married the applicant's son-Yogesh on 28th April 2016. She has stated that she married

the applicant despite the fact, that he was partially retarded. According to the complainant, after marriage, she was residing with her husband-Yogesh, mother-in-law-Venubai, brother-in-law-Ravindra and the applicant. She has stated that sometime in May 2017, she was forced to have physical relations with the applicant, by her husband and mother-in-law in their presence. She has alleged that her husband gagged her mouth, as she was shouting and her mother-in-law stood on her hands and said that she wanted a grandchild. She has further stated that even thereafter, the applicant had forcible physical relations with her, as the family wanted a child. She has stated that thereafter, she was not allowed to go to her parental home, and hence, her mother lodged an NC with the Khadakpada Police Station, on 20th April 2018. According to the complainant, she thereafter, went to her parents house, with her mother and disclosed the incident to her parents, aunt and grandmother, pursuant to which, the FIR was lodged on 9th June 2018.

4 Learned counsel for the applicant submits that the applicant's son had sent a complaint letter dated 26th April 2018 through his Advocate to the Senior Inspector of Police, Chakan Police Station, Pune, as well as to

the Women's Conflict Resolution Cell at Kalyan, as against the complainant and others, pursuant to which, the Women's Cell called the applicant's son and his family as well as the first informant on 9th June 2018. He submits that on 9th June 2018, the applicant's son expressed his readiness to cohabit with the first informant before the Women's Conflict Resolution Cell at Kalyan, however, the first informant refused to cohabit and demanded money or room premises at Pune, to settle the matter and give divorce. Learned counsel for the applicant submits that even before the Women's Conflict Resolution Cell, the first informant did not utter a single word about sexual harassment. According to the learned counsel, the allegations are false. Learned counsel relied on the observations made by this Court (Coram : A. S. Gadkari, J.) in the order dated 31st July 2018 passed on co-accused Venubai Chavan's anticipatory bail application being Anticipatory Bail Application No. 1263 of 2018. This Court whilst granting pre-arrest bail to co-accused Venubai observed that *prima facie* a doubt is created about the probability of the alleged incident of sexual assault, which took place in the month of May 2017 in the matrimonial house of the prosecutrix.

5 Be that as it may, the applicant aged 65 years, is in custody since 9th June 2018. Investigation is complete. Charge-sheet is filed. It is informed that the complainant is residing with her parents at Pune.

6 In the peculiar facts and circumstances of the case, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 15,000/-, for a period of six weeks;
- (ii) The applicant shall within the said period of six weeks, furnish PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station as and when called;
- (iv) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.