

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 586 of 2019

Dr. Pravin Lahase

Vs.

State Through P.S. Dhamangaon Badhe Dist. Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.B. Kalwaghe, Advocate for applicant
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 01, 2019

The applicant herein has approached this Court seeking bail as he stood arrested on 27/05/2019, in connection with FIR registered on the same day, pertaining to offences under Sections 376(2) (n), 354-A(1)(i), 323, 354, 500, 504, 506 R/w 34 of the Indian Penal Code. There are three accused persons in the present case, the other two being father and brother of the present applicant. While the brother of the applicant was granted anticipatory bail by the Sessions Court itself, the father of the applicant was granted bail by this Court on 16/07/2019.

2. The allegations made by the complainant are that when she went to the applicant for treatment, as the applicant happens to be an Ayurvedic doctor, on 30/06/2014, the applicant committed rape on her in

his clinic. It is further stated that he threatened her about revealing the said incident in society which would then lead to her marriage not taking place. The further allegation made by the complainant was that when she went to the father of the applicant to complain about the incident, the co-accused (father of the applicant) had molested her.

3. The learned counsel for the applicant has pointed out that the FIR was highly belated because it was lodged after 5 years of the date of the alleged incident. Additionally, it is pointed that the allegations made in the oral report appear to be unsustainable because there was material to show that the complainant was already married on 22/02/2014. In fact, there was said to have been a customary divorce on 17/12/2015, between the complainant and her husband. On this basis, the learned counsel appearing for the applicant submitted that the allegations made by the complainant were absolutely false and offences registered against the applicant were not even prima facie made out in the present case.

4. The learned APP opposed the present application by pointing out that serious offences have been registered against the applicant. It is pointed out that the bail granted to the father of the applicant and anticipatory bail granted to the brother of the applicant could not enure to the benefit of the applicant because

the main allegation in the present case was made against the applicant herein.

5. Heard learned counsel for the rival parties and perused the material on record, which makes it very clear that though the alleged incident is said to have taken place on 30/06/2014, the complainant approached the police for the first time after about five years on 27/05/2019. It appears that, at worst, there might have been some relationship between the complainant and the applicant and the same eventually may not have turned out to be liking of the complainant. She appears to have raised her grievance after long period of about 5 years. The applicant is behind bars since 27/05/2019. Investigation is still underway and chargesheet is yet to be filed. In these circumstances, it appears that the applicant is entitled to grant of bail, subject to stringent conditions.

6. In view of the above, the present application is allowed and the applicant is directed to be released on bail in connection with FIR No.118/2019, registered at Police Station Dhamangaon Badhe Dist. Buldhana on the following conditions :

a) The applicant shall furnish PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) and surety in the like amount.

- b) The applicant shall not enter the jurisdiction of Police Station Dhamangaon Badhe Dist. Buldhana till filing of chargesheet.
- c) The applicant shall attend Police Station Motala Dist. Buldhana once a week i.e. Sunday between 10:00 AM to 5:00 PM till filing of chargesheet.
- d) The applicant shall neither tamper with the evidence nor influence the witnesses.

7. It is made clear that violation of any of the aforesaid conditions would lead to cancellation of bail granted to the applicant.

8. It is further made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE