

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 220 OF 2020**

Popat Dattatraya Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. B. A. Lawate, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

Mr. Milind Deshmukh, Advocate for the complainant.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 21<sup>st</sup> February, 2020.**

**PC :**

1. The applicant apprehends arrest in C.R. No. 914 of 2019 registered with Baramati Taluka Police Station, Dist. Pune (Rural) for offences punishable under Sections 376, 420, 504, & 506 of Indian Penal Code.

2. The FIR was registered on 28<sup>th</sup> December, 2019. It is alleged that the applicant is the landlord holding property adjacent to the land of the complainant at Malegaon. Complainant and her husband decided to sell the land to applicant for Rs. 34 Lacks. The applicant paid Rs. 15 Lacks and the balance amount towards consideration was Rs.19 Lakhs. In February, 2016 the applicant visited house of complainant when she was alone and committed sexual intercourse

with the complainant. He threatened her of dire consequences and that her reputation will be spoiled in the society. Due to fear the complainant did not take any action. Thereafter on several occasions the applicant had physical relationship with the complainant. The applicant gave Rs.2 Lakhs for purchasing car, Rs. 9 Lakhs in cash to the complainant. The balance amount of Rs. 8 Lakhs was not paid. The complainant demanded the amount. The applicant told her that he would transfer the land bearing Gat No. 63/1 in the name of the complainant. He executed writing which was notarized on 8<sup>th</sup> February, 2018. The applicant was keeping physical relationship with her. Her husband passed away. Subsequently, she realised that the land transferred to the complainant was belonging to his relative. Thereafter the applicant promised her that he would construct Bungalow for her. She went to hotel to question him. The applicant had physical relationship with the complainant on 27<sup>th</sup> November, 2019 onwards. Hence, the FIR was lodged.

3. Learned counsel for the applicant submitted that the FIR is false. The offence under Section 376 of Indian Penal Code is not made out. The applicant had filed the complaint against complainant before the Court of J.M.F.C. Baramati on 24<sup>th</sup> December, 2019 under Sections 384, 386, 387, 406, 504, & 506 of Indian Penal Code. The FIR was lodged on 28<sup>th</sup> December, 2019. The FIR is filed after three

years. The custodial interrogation of the applicant is not necessary. The applicant had purchased a Tempo in joint name with informants husband, scooter and motorcycle was given to the informant and her kids. Sale deed dated 2<sup>nd</sup> November, 2017 was executed between applicant and Dilip Shamrao Pawar in respect to Gat No. 63/1. Sale Deed dated 8<sup>th</sup> February, 2018 was executed between applicant and complainant in respect to said property. Cancellation deed was executed on 12<sup>th</sup> July, 2018 between applicant and complainant in respect to the said property.

4. On perusal of the FIR, it is apparent that the applicant and complainant were acquainted. It is alleged that there was transaction of sale of property. According to complainant on several occasion there was physical relationship between complainant and the applicant. Learned APP submitted that the complainant has alleged that she was subjected to sexual assault under coercion. The applicant had physical relationship with her. The complainant was deceived. However, on perusal of the documents on record and FIR, the complainant has alleged that there was physical relationship with applicant on several occasion. There are property transactions. There is delay in lodging FIR. These circumstances create doubt about complainants version. Custodial interrogation of applicant is not necessary.

5. Hence, I pass the following order;

**ORDER**

- i) Anticipatory Bail Application No. 220 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 914 of 2019 registered with Baramati Taluka Police Station, Dist. Pune (Rural) the applicant be released on bail on furnishing P. R. Bond in the sum of Rs. 25000/- with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> March, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**