

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

ANTICIPATORY BAIL APPLICATION NO.303 OF 2020

Shilpa alias Sheetal Ganesh Mali

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. A. P. Mundargi senior Advocate, i/b. Kuldeep S. Patil, for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent- State.

PI, S. S. Patil, Navghar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 05th February, 2020

P.C.:

1. This is an application for Anticipatory Bail in connection with C.R.No. I-13 of 2020, registered with Mira Road Police Station, District- Thane Rural, for offences punishable under Sections 376, 377, 323, 506 (II), 506, 504 r/w 34 of Indian Penal Code ("IPC" for short).

2. The First Information Report ("FIR" for short) was lodged on 12th January 2020. The applicant preferred an application for the Anticipatory Bail before the Sessions Court. The said application is rejected on 24th January 2020. During pendency of that application interim protection was granted to the

applicant by order dated 16th January 2020. While granting interim protection, the Court had recorded the submissions on behalf of the applicant. Considered rulings cited and ratio of the cases and granted interim protection, on condition that applicant shall attend concern Police Station on every Sunday between 10 a.m to 11 a.m till decision of main application. It is submitted that, the applicant has complied the said condition. Subsequently, the application was rejected.

3. The case of the complainant is that, she is actress by profession. The accused No.1 is Police Officer. The complainant had visited Police Station to lodge complaint in June 2016. The accused No.1 had interaction with her and took her phone number. In June 2016, accused No.1 and the complainant were acquainted with each other. They developed friendship. They met frequently. They went out together on several occasions. The accused No.1 promised her that he would marry her. In April 2019, the accused No.1 had physical relationship with complainant. They went to Satava and stayed in hotel. The accused No.1 had forcible relationship. He avoided topic of marriage. Several other allegations are made in FIR.

4. The applicant is wife of accused No.1, who was allegedly in relationship with the complainant. The applicant had lodged the complaint against the complainant on 13th December 2019 vide C.R.No.1268 of 2019 for offences punishable under Sections 384, 389, 504 and 506 of the IPC. The amount of Rs.50,000/- was credited into the account of the complainant from the applicant's account.

5. Learned Sessions Judge while rejecting the application for the Anticipatory Bail, observed that, as far as the applicant is concerned as per theory of the prosecution the role played by applicant is giving threatening to the complainant. Section 506 of IPC is non-cognizable, compoundable and bailable. Hence, question of grant of Anticipatory Bail does not arise. However, it is pertinent to note that, the FIR was registered for offences which are also of non-bailable nature. It is not the case of the prosecution that custody of the applicant is not required. The application before the Sessions Court was resisted by prosecution.

6. The applicant is wife of accused No.1. The allegations against the applicant are about intimidation. The applicant has

lodged complaint against the complainant with Valiv Police Station on 13th December 2019, for offences punishable under Sections 384, 389, 504 and 506 of IPC. The FIR against the applicant and her husband was lodged on 12th January 2020. Considering the facts of this case, protection under Section 438 of Cr. P. C can be granted to the applicant.

ORDER

- (i) Anticipatory Bail Application No.303 of 2020 is allowed;
- (ii) In the event of the arrest of the applicant in connection with C.R.No. I-13 of 2020 registered with Mira Road Police Station, District- Thane Rural, the Applicant be released on bail on his executing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report to the Investigating Officer attached to Navghar Police Station, on 10th, 11th and 12th of February 2020, between 11:00 a.m. to 01:00 p.m, and thereafter, as and when called for till filing of the charge sheet;
- (iv) The Application stands disposed of.

(PRAKASH D. NAIK, J.)