

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2818 OF 2019

1. Dashrath Dinkar Baravkar
2. Kausalyabai Dashrath Baravkar ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Ranjeet M. Pawar, Advocate for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 7th February, 2020

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 589 of 2019 registered with Daund Police Station, Pune for offences punishable under Section 376(2)(n), 506, 509 r/w 34 of Indian Penal Code. The FIR was lodged 29th November, 2019.

2. The case of the complainant is that, her husband was earlier working in plastic factory at Pune and thereafter he left the said job within 6 months and in 2016 he joined the job at MIDC at Kurkumbh Tal Daund. The husband of the complainant had taken one room on rent from the applicant No.1 and he was residing in that room. After 3 months the husband of the complainant took the complainant at his rented room to reside with him. After one month at about 12.00

in night the son of the applicants forcefully entered the room of the complainant and committed sexual assault on the complainant. The son of the applicants threatened the complainant with dire consequences, if she disclose it to any one as he is very influential person. The complainant narrated the said alleged incident to the applicant No.2 on next date but the applicant No.2 did not pay any attention to complainant and threatened her. The son of the applicants used to visit the home of the complainant and the applicants were aware of this fact and they supported their son. It is further alleged that the applicants are powerful persons and therefore the complainant did not disclose this facts to anyone. The son of the applicants used to give valuable gifts to complainant and her husband to maintain good relations with them. In January 2018 the husband of the complainant came to know about the said fact and he assaulted the complainant as she had not narrated the said incident to him. Thereafter the complainant went to her in-laws place and started residing there. The applicants and their son used to threaten her on her mobile phone.

3. The applicants preferred application for bail before the Sessions Court which has been rejected by order dated 17th December, 2019.

4. Learned APP pointed out investigation papers. It appears that supplementary statement of the victim and complainant was recorded on 4th January, 2020. In the said statement she has stated that she lodged the complaint against the accused while she was in disturbed state of mind. She had refiled from her previous statement.

5. The complainant is married lady aged about 23 year. In view of the supplementary statement, the applicant need not be subjected to custodial interrogation. The applicants are parents of the accused Nitin Baravkar against whom no allegations of sexual assault were made in the complaint. In these circumstances, case for grant of anticipatory bail is made out.

6. Hence I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 2818 of 2019 is allowed;
- ii) In the event of arrest of applicants in C.R. No. 589 of 2019 registered with Daund Police Station, Pune, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like

amount;

- iii) The applicants shall attend Investigating Officer as and when called for.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)