

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 ANTICIPATORY BAIL APPLICATION NO.547 OF 2021
WITH
INTERIM APPLICATION NO.1264/2021
IN
ANTICIPATORY BAIL APPLICATION NO.547 OF 2021

DR. RUSHIKESH S/O MADANLAL MANDHANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Bhosle Abhaysinh K.
Advocate for the Intervenor : Mr. Ladda Somnath G.
APP for State/Respondent: Mr. V.S. Badakh

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CORAM : SANDEEP K. SHINDE J.
DATE : 7th JULY, 2021.
(Through Video Conference)

P.C. :-

Heard learned Counsel for the Applicant and for the Intervenor and the APP for the State.

1. Applicant and the Complainant are Medical Practitioners. On 27th November, 2020, Complainant married to Applicant. It was their second marriage. Complainant cohabited with the Applicant till 21st December,

2020; whereafter she left his company. On 11th February, 2021, she lodged the FIR, whereupon the offences under Sections 498-A, 406, 377, 323 were registered.

2. Complainant alleged that Applicant forced her to surrender to the unnatural intercourse. Also alleged, that her in-laws were persistently demanding Rs. 10 Lacs from her. She also alleged that Applicant assaulted her and driven out from the matrimonial house. However, her stridhan weighing around 750 gms. was not returned to her.

3. It may be noted, although the Complainant left the matrimonial home on 21st December, 2020, the report was lodged on 11th February, 2021 and insofar as the allegations of unnatural intercourse is concerned; the medical reports do not support these allegations.

4. Prima facie, a fact cannot be ignored that Complainant is Doctor by profession. Assuming she was subjected to unnatural intercourse, she would have lodged the complaint within the reasonable time. Lodging the complaint nearly after a month and ten days, by a person who is Doctor by profession and particularly when she was forced to surrender to her husbands' unnatural physical desire by itself, shows her conduct, was

inconsistent with ordinary course of human nature. It is argued by the Counsel for the Complainant that the investigation is defective and vital documents have not been collected by the Investigating Officer. Counsel for the Complainant would submit that the Complainant has made representation to the Commissioner of Police, Jalgaon for the appropriate relief. On this ground, application was opposed by the Complainant.

5. Be that as it may, in consideration of the facts stated above, in my view the custodial interrogation of the Applicant, will not further the prosecution case. Applicant is Doctor by profession, having firm roots in the society. He would be available for the interrogation as and when called. Application is allowed and hence the following order.

ORDER

(i) In the event of arrest of the applicant in Crime No.015/2021 registered with Erandol Police Station, Jalgaon, he shall be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish his residential address as well as permanent address and contact details to the investigating officer forthwith;

(iii) The applicant shall join investigation as and when called by the Investigating Officer;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. Application and Interim Application therein, are disposed of.

7. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

Najeeb...