

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 ANTICIPATORY BAIL APPLICATION NO.1265 OF 2021

- 1) Shyam s/o Mukundrao Chavan,
 - 2) Pandit s/o Birhand Rathod,
 - 3) Namdev s/o Thavara Chavan,
 - 4) Namdev s/o Raychand Chavan,
 - 5) Anandrao s/o Ramdhan Chavan
- ...Applicants

VERSUS

The State of Maharashtra

...Respondent

...
Mr. Bharat N.Gadegaonkar Counsel for applicants
Mr. S.B.Narwade, APP for respondent-State

...
CORAM : PRAKASH D. NAIK, J.
DATE : 26th NOVEMBER, 2021

PER COURT :

1] The applicants are apprehending arrest in connection with Crime No.0304 of 2021 registered with Kinwat Police Station, Tq.Kinwat Dist.Nanded for the offences punishable under Section 376, 506, 120-B and 107 of Indian Penal Code (for short, 'IPC').

2] The complainant had alleged that her sister is married to the accused Sandip Pawar in April, 2019. The complainant got acquainted with accused No.1 Sandip Pawar. He used to demand sexual favour and under the promise of marriage, he had established physical relationship with the complainant. She had conceived. The accused No.1 was forcing

her to terminate pregnancy. The applicants and others had a meeting and they were forcing the complainant not to implicate Sandip Pawar.

3] Thus, the role is attributed to the applicant is of criminal intimidation. They were not party to the offence of sexual intercourse committed by the accused No.1. Sandip Pawar has been arrested and he is in custody.

4] Learned APP submitted that the statements of the witnesses were recorded. The meeting of Caste Panchayat was called at the instance of the accused. The complainant was threatened that she should exonerate Sandip Pawar and implicate Sandip Chavan. She was also threatened to co-habit with Sandip Chavan. If she does not act as per their instructions, she will be killed.

5] The charge under Section 376 of IPC is attributed to Sandip Pawar. He is in custody. The overt act attributed to the applicant would constitute the offence under Section 506(ii) of IPC. The applicants were granted interim protection by order dated 28.10.201 with a direction to report the Investigating Officer. The learned counsel for the applicant submitted that the directions were complied with and they have co-operate with the investigation. In these circumstances, applicants need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1265 of 2021 is allowed.
- (ii) Interim order dated 28th October, 2021 is confirmed.
- (iii) In the event of arrest of the applicants in Crime No.0304 of 2021 registered with Kinwat Police Station, Tq.Kinwat Dist.Nanded, they shall be released on bail on executing PR.bond in the sum of Rs. 25,000/- each, with one or more sureties in the like amount.
- (iv) Applicants shall not tamper with the evidence.
- (v) Applicants shall not contact the complainant and shall not intimidate her in any manner.
- (vi) Applicants shall not enter into the vicinity of the residence of complainant.
- (vii) Application stands disposed of.

(PRAKASH D. NAIK, J.)

sarowar