

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

ANTICIPATORY BAIL APPLICATION NO. 1290 OF 2021

Anil Bhilu Rathord Applicant

Versus

The State of Maharashtra Respondent

Ms. Saili Dhuru a/w. Tanaji S. Solankar for Applicant.
Ms. P. N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 67 of 2021 registered at Bhore Police Station, Pune Rural, on 06/04/2021, under sections 376, 323, 324, 504 and 506 of the Indian Penal Code (for short 'IPC').
2. Heard Ms. Sailee Dhuru, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by the prosecutrix herself. She has stated that, at the time

of lodging of F.I.R. she was doing labour work with her husband at village Male. On 23/03/2021 in the evening she had gone out of her house to relieve herself. At that time, one Satish Jadhav came there and committed rape on her. The informant was narrating this incident to her husband and there was some discussion in loud voice between them. At that time, the applicant, who was contractor, came there and there are allegations that, he suddenly started beating the informant and her husband. It is alleged that, he threatened the couple that she should not proceed against the main accused Satish.

4. On 30/03/2021 Satish's brother Sachin also beat the informant and her husband and told them not to lodge any F.I.R.

5. On 01/04/2021 the applicant approached them. That time, the informant's husband told him that both of them were leaving that village. The applicant himself then dropped the informant and her husband to Pune. He offered to pay Rs.20,000/- to them and told them not to lodge any complaint in respect of the offence. On this basis the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the

offence is committed by Satish who was a Juvenile in conflict with law. He is already released on bail. The applicant is not concerned with the main offence punishable under section 376 of IPC. The other offences against him are minor offences. They are bailable offences, therefore, he deserves to be protected by an order of anticipatory bail.

7. Learned APP submitted that the investigating agency does not have serious objection for allowing this application, however, the applicant's attendance should be secured.

8. Considering these submissions, it is obvious that the applicant is not connected with the main offence of rape. The only allegation against him is of beating which would attract section 323 of IPC, which is bailable offence. The applicant had even offered to pay Rs.20000/- though he was not really concerned with the offence committed by Satish. In this background, custodial interrogation of the applicant is absolutely not necessary. He can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 67 of 2021 registered at Bhore Police Station, Pune Rural, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation. In addition, the applicant shall attend the concerned police station once in a month till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)