

Her husband is also working in the same school as a teacher. In the year 2011, the applicant was headmaster of the school. She has stated in her FIR that on 20/4/2011, it was a holiday and yet the applicant called the informant to the school under some pretext. When she went there, the applicant forcibly took her to a room and committed rape on her. It is alleged that he threatened the informant that since he was headmaster, he could remove her from employment. It is further alleged that the applicant committed rape on many occasions after that. The FIR mentions that the informant had told this fact to her husband. Her husband, in turn, had told this to the management of the School. However, nothing further transpired. He was requested not to give complaint to police as reputation of the school was at stake. They were also threatened that, if the complaint was made, they would be removed from their service. The FIR further goes on to mention other instances when other co-accused Chandrashekhar Hule had committed rape on her from 2015 on-wards till the year 2020. The informant had alleged that accused Hule's wife also helped him in committing this offence. On this basis the FIR is

lodged.

4. Learned Counsel for the applicant submitted that there is an inordinate, unexplained delay of more than 10 years in making such allegations against the applicant. He submitted that, on that date when the offence is allegedly committed by the applicant there was no holiday. In any case, it is a residential school and, therefore, somebody or the other is always present in the school. He further submitted that there were financial transactions. The informant's husband had obtained loan from Mahatma Phule Co-op. Credit Society Ltd. Mumbai, Narayangaon branch for which the applicant and co-accused Chandrashekhar Hule had stood guarantors. The informant's husband did not repay the loan and therefore recovery proceeding was initiated against the informant's husband, present applicant and other accused Chandrashekhar Hule. Loan was to the tune of more than Rs. 4 lakhs and recovery certificate was in respect of Rs. 4,15,490/-. The Creditor society had also taken steps for attachment of the informant's husband's salary. A letter to that

effected dated 12/02/2020 is annexed at page No. 46 of this application. Learned Counsel further relied on the reminder letter dated 19/08/2020 which again mentioned all these three person's name including that of the present applicant. He submitted that the informant's husband had taken loan from Pune District Central Co-operative Bank Ltd., Pune to the tune of more than Rs. 2 lakhs and recovery proceeding for that loan was also going on. He submitted that the informant's husband wanted to shift financial burden on the present applicant and his co-accused and only when they did not oblige, this false complaint is lodged to pressurise them. Learned Counsel also relied on the agreement dated 17/08/2020 wherein the informant's husband had accepted to make payment to Chandrashekhar Hule. The applicant was a witness to that agreement. The cheque issued by the informant's husband was dishonoured. Therefore, Chandrashekhar Hule had sent a notice through his lawyer for such dishonour of cheque. That notice was dated 06/04/2021. He submitted that obviously a false case is lodged against the applicant.

5. Learned APP opposed this application. He submitted that the incident has taken place from 2011 onwards. It was not an isolated incident. He submitted that the informant would not have lodged false complaint.

6. I have considered these submissions. As rightly submitted by learned Counsel for the applicant, there is an inordinate delay in lodging the FIR. As far as the incident in the year 2011 is concerned, the allegations are made against the applicant that in that year on 20/4/2011, he committed rape on the informant and it was repeated on other occasions. The FIR mentions that she had told this fact to her husband and it was also told to the management of the school. However, since 2011 onward no steps were taken and the informant or her husband also did not make any grievance before any forum. Rest of the allegations from 2015, onward are in respect of the co-accused Chandrashekhar Hule for which the applicant has no concern.

7. In this background, the important aspect to be taken

into consideration is submissions of learned Counsel for the applicant in respect of financial transaction between the parties. As rightly submitted by learned Counsel for the applicant, the informant's husband had taken loan of more than Rs. 4 lakhs. It appears that the applicant and his co-accused were guarantors for that loan. Thus there were financial transactions. It is also difficult to believe that after all such acts purportedly committed by the applicant and co-accused, the informant's husband still sought help of these two accused for taking loan from Mhatma Phule Co-op. Credit Society.

8. Another significant feature in this case is that co-accused Chandrashekhar Hule through his lawyer has sent notice for dishonour of cheque. That notice was dated 06/04/2021 and only thereafter this FIR came to be lodged on 12/04/2021. Thus there is considerable force in the submissions of learned Counsel that as retaliation and to pressurise the applicant this false FIR is lodged. However, at this stage, it is not proper to observe anything with certainty as far as this aspect is concerned, but sufficiently strong case is made out by the applicant to suggest a realistic

possibility that he could have been implicated in the offence because of this financial transaction. There is another important aspect of unexplained inordinate delay. The applicant has sufficiently made out case for grant of anticipatory bail. It is made clear that these observations are made only for the purpose of passing of this order and all the questions are left open for investigation trial which shall be conducted in accordance with law without being influenced by this order.

9. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.90 OF 2021, registered with Ghodegaon Police Station,Pune, 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 co-operate with the investigation.

(iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)