

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

ANTICIPATORY BAIL APPLICATION NO.1411 OF 2021

Sangeeta Chandrashekhar Hule	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1417 OF 2021**

Chandrashekhar Dattatray Hule	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr.Satyam Nimbalkar, Advocate for Applicants.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JUNE, 2021
(Through video conferencing)

P.C. :

1. A common order is passed in both these applications because the allegations are pertaining to the same offence. The Applicants are husband and wife. For the sake of convenience, they are referred to by their names.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.90/2021 registered with Ghodegaon Police Station, Pune, under sections 376, 376(2)(n), 506 r/w 34 of the Indian Penal Code.
3. Heard Mr.Satyam Nimbalkar, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.
4. The FIR is lodged by the prosecutix herself. She has stated that she was working in S.M.Joshi Residential School at Narodi. Her husband is also working in the same school as a teacher. One Deepak Bidkar, who is a co-accused in this case, was Head Master in the year 2011. In the initial part of the FIR she has described the incident dated 20/04/2011, wherein allegedly co-accused Bidkar had committed rape on her. He committed similar offence on other occasions against the informant. The FIR mentions that the informant took her husband in confidence and told about these incidents. At that time, the informant's husband told the Applicant Chandrashekhar Hule about that incident. The Applicant

Chandrashekhar called the informant in his office and requested her not to lodge complaint at the police station as the reputation of the school was at stake. The FIR mentions that he also threatened the informant that if the complaint was made, the informant and her husband would be removed from their job.

5. The FIR goes to mention that between 02/07/2015 and 07/07/2015, the Applicant Chandrashekhar, who was Secretary of the society running the school, granted leave to the informant. He was to go to Borivali where he used to reside with his wife and daughter. The Applicant Chandrashekhar asked the informant to accompany him in his car. The FIR mentions that while they were travelling towards Borivali, the Applicant Chandrashekhar behaved indecently and touched her inappropriately. She was threatened regarding her job. They reached the Applicant's house at around 09.00 p.m. The FIR mentions that in the night, the Applicant Chandrashekhar committed rape on her and at that time, the other Applicant Sangeeta helped him. She had caught hold of the informant,

thereby facilitating commission of the offence. The FIR mentions that between 02/07/2015 and 07/07/2015 the offence was repeated. The Applicant Chandrashekhar threatened her that she would be removed from her job, if she told about this offence to anyone. The FIR further mentions that under the same threats, the Applicant Chandrashekhar committed rape on her on many occasions till 10/03/2021. Ultimately, the informant took her husband in confidence and lodged this FIR.

6. Learned counsel for the Applicant submitted that the story in the FIR is highly improbable. There is inordinate delay. It does not appear probable that she would have kept quiet for 6 to 7 years from 2015 onwards. He relied on the order passed by this Court in Anticipatory Bail Application No.1369 of 2021 dated 11/06/2021, by which co-accused Bidkar, whose name was also in the FIR, was granted anticipatory bail. He submitted that there were financial transactions and to avoid making payment, this false complaint is lodged. He invited my attention to various demand notices issued by the creditors of the

informant's husband. In all these loan transactions, the Applicant Chandrashekhar and co-accused Bidkar were guarantors. He submitted that there was an agreement between Applicant Chandrashekhar and the informant's husband wherein the financial liability was admitted by the informant's husband. Some cheques were given, but they were dishonoured and therefore the Applicant Chandrashekhar's lawyer had sent a notice to the informant's husband. That notice is dated 06/04/2021 and as a counter blast, this FIR is lodged against the Applicant and other accused. He submitted that it was unimaginable that after all these instances of rape, the informant's husband would still take financial assistance from Chandrashekhar and co-accused Bidkar and that the informant would not be aware of such financial dealings. He submitted that the role attributed to the Applicant Sangeeta is highly improbable and it is obvious that she is arraigned as an accused in this FIR only to pressurize her and Applicant Chandrashekhar.

7. Learned APP opposed this application. She submitted that at this stage, the statement of the informant will have to be accepted at face value. The informant had given reasons as to why FIR was not lodged earlier.
8. I have considered these submissions. As rightly submitted by learned counsel for the Applicant, co-accused Deepak Bidkar is granted anticipatory bail, therefore principles of parity will apply to both these Applicants. The allegations against the Applicant Chandrashekhar are pertaining to the period between July 2015 to March 2021. The informant had not told this fact to her husband for a long time, though, it is her own case that she had told about commission of offence by co-accused Bidkar, which had taken place in the year 2011 to her husband immediately.
9. Learned counsel for the Applicant has invited my attention to the various documents pertaining to the financial transactions. A demand notice for return of loan with interest

was issued by Mahatma Phule Co-operative Credit Society Ltd., Narayangaon, Pune, addressing the informant's husband, both co-accused Deepak Bidkar and Chandrashekhar Hule. The unpaid loan amount was Rs.4,25,473/-. The notice was against all three of them. The recovery certificate u/s 101 of Maharashtra Co-operative Societies Act, 1960, was issued on 20/01/2020. The certificate was for Rs.4,15,490/-. Again all these three were the respondents against whom this recovery certificate was issued. The said credit society had also issued letter dated 12/02/2020 to the society running the school for attachment of the informant's husband's salary. A reminder was sent on 19/08/2020. Similarly, there was other recovery proceedings against the informant's husband initiated by Pune District Central Co-operative Society bank Pune, dated 03/11/2020 and 18/12/2020. There is an agreement between the Applicant Chandrashekhar and informant's husband's dated 17/08/2020, wherein the informant's husband had accepted his liability and had agreed to repay his dues. The cheques were also mentioned in that agreement. Co-accused Bidkar was a

witness to this agreement. The cheques were dishonoured and therefore notice was sent to the informant's husband by the Applicant Chandrashekhar's lawyer on 06/04/2021. After all this, for the first time, the informant came up with these serious allegations against both the Applicants as well as co-accused Deepak Bidkar. Therefore some serious doubt arises as far as her claim is concerned and there is sufficient force in the submissions of learned counsel for the Applicant that the FIR was lodged as a counter blast to the financial proceedings and to put pressure on the Applicants. Notice u/s 138 of N.I. Act was issued to the informant's husband on 06/04/2021 and the FIR was lodged on 12/04/2021.

10. Considering all these aspects, sufficient doubt is created about the allegations. However, it would not be proper to observe anything further. It appears that, if ultimately these allegations are found to be false, the Applicants would suffer irreparable loss, which cannot be compensated by anything. Therefore the investigation can go on without taking the

Applicants in custody. The Applicants therefore deserve protection of anticipatory bail. However, obviously, they will have to join the investigation and will have to cooperate in the investigation.

11. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.90/2021 registered with Ghodegaon Police Station, Pune, the Applicants in Anticipatory Bail Application No.1411 of 2021 and Anticipatory Bail Application No.1417 of 2021, are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)