

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

CRIMINAL APPLICATION NO.313 OF 2016

Aarti Ranjeet Singh alias

Aarti I. Chandan

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

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Ms.Janaki Ravi i/b. Hulyalkar & Associates, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 30, 2021.

P.C. :

The applicant is original complainant. She has lodged the FIR vide C.R.No.42 of 2016, with Varsova Police Station, Mumbai, for the offence punishable under Section 377 of IPC against respondent no.2. The FIR was registered on 4th January, 2016. The case of the complainant is that respondent no.2 is her husband. They were acquainted with each other before 3 years. They resided together in live-in relationship. Thereafter they performed marriage. Complainant was ill treated by the accused. On 14th January, 2016, she was subjected to unnatural sex. Hence, FIR was lodged. Respondent no.2 was arrested.

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before the Sessions Court, which was allowed vide order dated 11th March, 2016.

3 Learned advocate for the applicant submitted that the bail granted to respondent no.2 deserves to be cancelled. The applicant was subjected to unnatural sexual assault. The applicant lodged several NC complaints against respondent no.2. She had also initiated proceedings under the Domestic Violence Act. Several complaint were registered against him. Applicant is ailing. She is residing with her mother. Learned Magistrate had rejected the application for bail. Learned District and Sessions Judge was granted bail to respondent no.2. The said order be set aside.

4 Learned APP submitted that on completing investigation, charge-sheet is filed against respondent no.2. Charge has been framed against respondent no.2 and the case is posted for hearing on 4th September, 2021.

5 I have perused the FIR, the impugned order passed by the learned Sessions Judge and all the other documents annexed to this application. While granting bail, learned Sessions

Judge has observed that only apprehension expressed by the investigating officer is that the accused may threaten the victim wife and the only grievance of the victim was that he should behave well with her and should not torture her. Considering the relations between the accused and victim as they are husband and wife and keeping in view the future relations, the Court thought it fit to grant bail. The Court further observed that the apprehension of investigating officer can be taken care of by giving direction to the accused. It was also recorded that the informant at this stage has no objection to enlarge the accused on bail. Since the investigation is in progress, the directions can be given to the accused to co-operate with investigation. In pursuant to that the investigation is completed and charge-sheet is filed. It appears that there is matrimonial dispute between the applicant and respondent no.2 who are husband and wife. Proceedings under the Domestic Violence Act were also initiated by the applicant. Charge is already framed against respondent no.2. Considering all the factual aspects, no case is made out for interfering in the impugned order. Bail cannot be cancelled in this case. Hence, the application is rejected, and, disposed of accordingly.

(PRAKASH D. NAIK, J.)