

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1948 OF 2021

Sachin Jagnu Jadhav .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms.Saili N. Dhuru for the Applicant.
Mr.A.R.Kapadnis, APP for the State.

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CORAM: BHARATI DANGRE, J.
DATED : 24th AUGUST, 2021

P.C:-

1. The three persons are arraigned as accused in C.R.No.67 of 2021 registered with Bhore Police Station, Pune for the offences punishable under Sections 376, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code (for short, "IPC").

2. Accused No.1-Satish is a juvenile and the present applicant is the brother of accused No.1, who is alleged by the complainant to be a person who had committed forcible sexual intercourse with her on 23/03/2021. The complaint is lodged on 06/04/2021 wherein it is alleged that on the date of incident, when she had been out of the house for relieving herself, accused No.1-Satish committed rape on her and as far as the present applicant is concerned, it is alleged that he had threatened the prosecutrix and her husband and also assaulted her husband to shield his brother.

3. Accused No.2-Anil is released on anticipatory bail by this Court on 26/06/2021 (Anticipatory Bail Application No.1290

of 2021), by recording that the applicant is not concerned with the main offence of rape and the only allegations which would rope him is under Section 323 of IPC, which is a bailable offence. There is no reason why benefit of the said order should not be extended to the present applicant as in the entire complaint, he is also assigned somehow similar role where it is alleged that on 30/03/2021, he visited the house of the prosecutrix and questioned her as to why she is falsely implicating his brother and he assaulted her as well as her husband by fist and blows. In such circumstances, the applicant is entitled for a similar relief, subject to the stipulation that he shall co-operate with the investigation.

: ORDER :

- (a) The application is allowed.
- (b) In the event of arrest in C.R.No.67 of 2021 registered with Bhore Police Station, Pune, applicant-Sachin Jagannath Jadhav shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

(SMT. BHARATI DANGRE, J.)