

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.624 OF 2022**

Ram s/o Ambadas Chandane

... **APPLICANT**

**VERSUS**

The State of Maharashtra & anr.

... **RESPONDENTS**

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Mr. S.S. Gangakhedkar, Advocate for applicant  
Mr. V.S. Badakh, A.P.P. for respondent No.1 – State,  
Mr. Sarang P. Joshi, Advocate for respondent No.2.

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**CORAM : R. G. AVACHAT, J.**

**DATE : 24th AUGUST, 2022.**

**PER COURT :**

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0275/2021, registered at Shivaji Nagar Police Station, District Nanded for the offence punishable under Sections 376, 377, 506 of the Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act.

2. The F.I.R. has been lodged by the wife of the applicant on 21/7/2021. It is her case that, she married the applicant in 2007. Both of them stayed together from 2007 to

2014 at Kinwat. The couple is blessed with three children – two daughters and a son. The informant then came to know the applicant to have been previously married. He had concealed the same from her. Whenever the informant would enquire with the applicant about the same, he would give threats of deserting her and the children. The applicant was then transferred to Nanded. He is serving as a Police Naik. He secured a premises on rent for stay of the informant and children. He would reside in a Police Colony along with her first wife, mother, sister etc.

3. It is further alleged that, the applicant thereafter admitted the informant to a coaching class of recruitment in police service. Whenever the informant used to be in the class, he would visit her house. The applicant had many a times forced their daughter (victim) to consume liquor. He had also sexual intercourse with the daughter and unnatural offence as well. The daughter was just 9 – 10 years of age. The informant had to keep quiet fearing the applicant.

4. It is further alleged that, in March 2018, the applicant had come the informant's residence. She was busy in cooking. He was in the bedroom along with the daughter. When the informant happened to enter the bedroom, she

noticed the applicant to have been committing sexual assault with the victim – daughter. The manner thereof has been described in the F.I.R. When the informant tried to pull him away from the victim, it was he who pushed her away and gave threats to the lives of the informant and the children. When the informant took the victim for medical examination, the Medical Officer there asked her first to report the matter to the police. She, however, could not report fearing of threats extended by the applicant.

5. After having gathered courage, the informant lodged the F.I.R., as stated above. The crime came to be investigated and charge sheet has been filed.

6. Learned counsel for the applicant would submit that, a false F.I.R. has been lodged on account of matrimonial discord between the applicant and the informant. Wild and unsupported allegations have been levelled against the applicant. No details of the alleged offences have been given. He would further submit that, the informant has been in relationship with a person of criminal background. After having learnt the same to the applicant, she has lodged the false report at the behest of her paramour.

7. Learned A.P.P. and the learned Advocate

representing the respondent No.2 victim would submit that, the applicant is in police service. He has used his official position. No prompt F.I.R. could be lodged due to the threats given by the applicant. The trial Court may be requested to expedite the hearing of the case, instead of granting the applicant bail. Both of them, therefore, urged for rejection of the bail application.

8. Perused the F.I.R. and the police papers. Considered the submissions advanced. It appears that, after a long cohabitation as husband and wife, relations between the applicant and the informant turned sour. The offence alleged to have been committed by the applicant dates back to March 2018 and prior thereto while the F.I.R. has been lodged little over three years after the alleged incidents. The applicant has also placed on record some material to indicate the informant to have been in relationship with some other person. The Court do not propose to make detailed observations. Suffice it to say that the F.I.R. has been lodged after a long delay. On investigation, the charge sheet has been filed. The applicant has every reason to contend of having been falsely implicated. It will take time for commencement and conclusion of trial. Hence, this Court is inclined to grant bail to the applicant. Hence the order :

**ORDER**

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0275/2021, registered at Shivaji Nagar Police Station, District Nanded for the offence punishable under Sections 376, 377, 506 of the Indian Penal Code and Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.
- (iii) The applicant shall not enter Nanded city till conclusion of the trial except for attending the trial.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.

**( R. G. AVACHAT, J. )**

fmp/-