

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

**906 ANTICIPATORY BAIL APPLICATION
NO.714 OF 2022**

**ANANT RAJARAM CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mrs. Ashwini A. Lomte h/f.
Mr. Sudarshan J. Salunke

APP for Respondent / State : Mrs. V.S. Chaudhari
Advocate for complainant to assist APP : Mr. B.B. Kulkarni h/f.
Mr. T. K. Sant

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**CORAM : S. G. MEHARE, J.
DATE : JULY 13, 2022**

PER COURT :

1. Heard the learned Counsel for the applicant, the learned APP and the learned Counsel assisting to the APP.

2. The prosecution case in nutshell is that the complainant is the wife of the brother of the present applicant. They had a serious matrimonial discord. On 05.05.2022 the complainant wife was brought to the house of the husband at Chopda. Thereafter, the applicant went to her home and asked who allowed her to enter the home. At 06:30 p.m. the applicant quarreled with the complainant, pulled her saree and beat her with hands as well gave kick blows. She

was driven away for two to three times from the house. She immediately informed the incident to her maternal uncle. The second incident happened on the same day at 10:00 p.m. The applicant and his wife were asking the complainant to leave the home. When she denied, the applicant caught her throat and poured the petrol on her person. When he was trying to set her on fire, she went away and stood in open place. The applicant was shouting loudly and said that he will kill her by setting her on fire. At around 10:30 p.m. her maternal uncle came there. She was suffering from pains. She was taken to Sub-district hospital at Chopda. After primary treatment, she went to her parents.

3. The learned Counsel for the applicant has vehemently argued that the allegations are absolutely false. The applicant was not there in the house of the complainant. The complainant and her husband were residing separate. He is living with his family at Jalgaon. The learned Counsel further argued that the husband of the complainant was not willing to cohabit with her, however to pressurize her husband she has lodged the false report against the applicant. The applicant is in police department. She knew that if the report is lodged against the applicant, her matrimonial dispute may be resolved. There is absolutely no evidence in support of her allegations. The report is delayed. Therefore,

the applicant may be released on anticipatory bail.

4. Per contra, the learned APP and the learned Counsel for the complainant have vehemently argued that the applicant has played active role. He was demanding sex to the complainant and she was opposing him. Many times he was trying to have sex with her. On the day of incident the applicant came to Chopda colony Jalgaon. The distance between Chopda and Jalgaon is very short, so he reached within short time. A serious offence has been committed. Daughter of the complainant has witnessed the incident. The CDR report shows that the applicant was present in Chopda at the time of the incident. The medical report supports the allegations levelled against the applicant. The petrol bottle is recovered from the applicant. The offence is serious. The life of the woman is in danger. The applicant is a policeman. He may interfere with the investigation. Therefore, the application may be rejected.

5. The report has been lodged in detail. Serious allegations of demanding sex by the applicant have been levelled against him. The daughter of the complainant is witness to the incident. The medical report also supports the contention of the complainant. The CDR

report also shows that the applicant was in Chopda on the day of the alleged incident. The applicant had no reason to go to the house of the complainant when she was residing separate from him. She has made the complaints of the sexual demand against the applicant. A serious allegation of pouring petrol on her person and trying to set her on fire has been made. She has not complained against anybody except the applicant since the complainant wanted to settle dispute with her husband and hence, she has implicated the applicant falsely appears not convincing. Apparently, a woman is suffering from harassment and torture. In view of the allegations and the way of committing crime the possibility of instigating the complainant cannot be ruled out. There appears substance in the arguments advanced by the learned APP that the applicant is in police department, therefore he may interfere with the investigation.

6. In view of the aforesaid reasons, this Court is not inclined to release the applicant on anticipatory bail. Hence, the application stands rejected.

7. The learned Counsel for the applicant would submit that the interim protection may be extended for four weeks.

8. Her request is accepted and interim protection granted to the applicant by this Court vide order dated 17.06.2022 is extended for four weeks from today.

[S. G. MEHARE]
JUDGE

GGP