

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

ANTICIPATORY BAIL APPLICATION NO. 1727 OF 2022

Shantu Marshale & Anr.

...Applicants

Versus

The State of Maharashtra & anr.

...Respondents

Ms. Rekha Satpute, for the Applicants.

Ms Sharmila S. Kaushik, APP for the Respondent-State

Mr. Bhushan Deshmukh for the respondent no. 2

CORAM : NITIN W. SAMBRE, J.

DATED : 27th September, 2022

P.C.:

1. Perused the FIR, particularly the allegations made by the victim girl against the applicants who are grandfather and mother.
2. It appears that the FIR is based on the old instances.
3. The applicant no. 2 appears to have been divorced by her husband-Vinod who appears to be the applicant in another matter i.e. ABA/663/2022 wherein offence alleged is punishable u/s. 323, 420, 498A, 504, 506 r/w. 34 of IPC. In this background false implication cannot be ruled out as admittedly victim is in custody of accused-vinod.
4. The statement of the victim girl is already recorded under section 164 of Cr.PC. Considering the provisions of POSCO Act particularly sections 8 & 21, section 354 of IPC, punishment

prescribed and nature of allegations made, the ad-interim protection stands confirmed.

5. In the event of arrest of applicants in crime no. 76 of 2022 registered with Kamothe police station for the offence punishable under sections 354 of IPC & sections 8 & 21 of POSCO Act applicants be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- (each) with one or more sureties in the like amount.

6. The applicants shall attend the Investigating Officer as and when directed.

7. The applicants shall neither tamper with evidence nor influence the witnesses in any way.

8. The application stands disposed of.

ANANT
KRISHNA
NAIK

Digitally signed
by ANANT
KRISHNA NAIK
Date:
2022.09.29
10:52:14 +0530

(NITIN W. SAMBRE, J.)