

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2486 OF 2021

Andrew Robert Samuelraj and Anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

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Mr. Jeeva Joseph for the Applicants.

Mrs. M.R. Tidke, APP for the Respondent/State.

API S.D. Kamat, Khandeshwar Police Station, Navi Mumbai.

CORAM : C.V. BHADANG, J.

DATE : 28 FEBRUARY 2022

P.C.

1. The Applicants, who are brothers-in-law of the first informant are seeking anticipatory bail in Crime No. 9 of 2021 of Police Station Khandeshwar, Navi Mumbai under Section 376, 354, 504, 506, 498-A read with Section 34 of IPC.

2. I have heard the learned counsel for the parties.

3. With the assistance of the learned counsel for the parties, I have gone through the record and the statement dated 18.01.2021 of the prosecutrix.

4. The informant was married to brother of the Applicants, somewhere in the year 2010. She claims that after the marriage, she learnt that her husband is mentally ill and this fact was concealed from her at the time of marriage. She claims that her father-in-law as well as one other brother-in-law namely Alex had made an attempt to outrage her modesty. The allegations insofar as the present Applicants are that they had committed forcible sexual intercourse with her on multiple occasions. It is alleged that in November 2015 in the afternoon at 1.30 hours, the Applicant Robert had forcible intercourse with her and thereafter, he used to chat with her on the whatsapp messages and also was insisting for making a video call and during such video call used to ask the informant to remove her clothes. A perusal of the FIR shows that such omnibus allegations are made against both the Applicants of having forcible sexual intercourse for a prolonged period of time and the complaint is only lodged on 18.01.2021.

5. The record discloses that Samuel Raj who is the father-in-law and Alex Samuel Raj have been granted anticipatory bail by this Court on 04.08.2021 in Anticipatory Bail Application No. 1467 of 2021.

6. The learned APP states that the investigation is practically complete and the chargesheet is likely to be filed. The learned APP has therefore, left the matter to the discretion of the Court.

7. Considering the over all circumstances and particularly having regard to the statement on behalf of the State, the following order is passed:

ORDER

i) In the event of their arrest, in connection with the investigation of Crime No. 9 of 2021 of Police Station Khandeshwar, Navi Mumbai, the Applicant No.1 **Andrew Robert Samuelraj** and Applicant No.2 **Christofer Samuelraj** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

ii) The Applicants shall report to the Investigating Officer on 7 and 8 March 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicants shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The Criminal Application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)