

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1771 OF 2022

Milind Swarupchand Patil

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. S.S. Patil, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondents.

Mr. L.S. Mahajan, Advocate for informant/Assist to PP.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 117 of 2022, registered with Bhadgaon Police Station, Jalgaon, for offence punishable under sections 323, 376, 376 D, 498A, 504, 506, 509 read with 34 of the Indian Penal Code.

2. Informant is cousin sister-in-law of the present applicant. She lodged report against father-in-law, mother-in-law, two sister-in-laws, present applicant and the middle man. It is alleged in the FIR that informant started residing with her husband, mother-in-law, father-in-law and two sister-in-laws at Nashik. Initially, she was treated well for some days. Then,

she realized that something wrong is happening at her matrimonial home. According to her, female members of the family were indulging in prostitution. Her in-laws insisted her to do the same. In the month of January-2022, her father-in-law entered her bed room and tried to rape her. The applicant followed him, bolted the door from inside and facilitated the father-in-law to commit rape. After father-in-law, applicant followed the same act. FIR is lodged on 29.05.2022.

3. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for respondents and learned advocate for the informant. Perused the investigation papers.

4. Charge is filed in the present crime on 27.07.2022, against the applicant it is filed under section 299 of Cr.P.C. It is the case of the applicant that he is serving as Area Manager in HDFC Bank, at Andheri (East), Mumbai. He is married man having wife and three daughters. His mother stays with him. According to him, he is falsely implicated in the present crime.

5. Applicant was granted interim protection and he has co-operated in the investigation. Taking into consideration the

delay in lodging FIR and earlier non cognizable offence registered by informant in the month of March-2022, no such allegations as are made in the present FIR were made at that point of time. Father-in-law of informant is granted anticipatory bail by this Court. Nothing is to be recovered from the applicant, hence this Court is of the view that, pre-trial custodial detention of the applicant is not necessary.

6. In the result, application is allowed.

7. In the event of arrest of applicant in connection with Crime No. 117 of 2022, registered with Bhadgaon Police Station, Jalgaon, for offence punishable under sections 323, 376, 376 D, 498A, 504, 506, 509 read with 34 of the Indian Penal Code, the applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]