

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2122 OF 2023

Vishwanath Laxman Rathod

...Applicant

vs.

State of Maharashtra

...Respondent

WITH  
ANTICIPATORY BAIL APPLICATION NO.2123 OF 2023

Arun Vishwanath Rathod

...Applicant

vs.

State of Maharashtra

...Respondent

....

Mr. Satyavrat Joshi i/b. Mr. Ashish Suresh Vernekar for the Applicants.

Ms. A. A. Takalkar, APP for the Respondent-State in ABA/2122/2023.

Mr. S. V. Gavand, APP for the Respondent-State in ABA/2123/2023.

API Vidya Arun Jadhav-Savant, Vijapur Naka police station present.

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**CORAM : ANUJA PRABHUDESSAI, J.**

**DATE : 31 JULY 2023**

**P.C.:**

1. The Applicants apprehend their arrest in Crime No.336 of 2023 registered with Vijapur Naka police station, Solapur City, for the offences punishable under Sections 376(2)(n), 354-A, 342, 323, 504, 506 of the Indian Penal Code, 1860.

2. Heard Mr. Satyavrat Joshi, learned counsel for the

Applicants, Ms. A.A. Takalkar and Mr. S. V. Gavand, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the wife of the Applicant – Arun. The marriage of the prosecutrix and the Applicant – Arun was solemnized on 6 July 2022. The prosecutrix claims that she was treated well for about one month and thereafter her father-in-law - the Applicant Vishwanath started sexually abusing her. She further claims that she had informed her husband about the same, but he did not support her and told her to ignore the incident as he apprehended that his father would transfer the properties in favour of his sister. She claims that she had lodged a complaint before the Women's Complaint Redressal Committee, office of Commissioner of Police, Solapur. The applicants did not appear before the said grievance Redressal Committee. Hence she went to her matrimonial home on 2 June 2023. She claims that on 9 June 2023, her father-in-law abused her and threatened to kill her in case she did not leave the house. She states that on 10 June 2023, she was once again thrown out of the house.

4. It is pertinent to note that in the complaint dated 15 December 2022 lodged before the Commissioner of Police, Solapur, the prosecutrix had stated that there was an altercation between her parents and her in-laws, for which reason her parents bought her back to the parental home. She expressed her love towards her husband and claimed that she was ready to resume her matrimonial ties without any condition and requested the Commissioner of Police to intervene and advise her husband and his family members to take her to the matrimonial home. The said letter which was addressed on 15 December 2022 does not make any reference to the incident of rape.

5. The facts narrated in the FIR *prima facie* reveal that there is matrimonial dispute between the prosecutrix and her husband and his family members. The grievance of the prosecutrix is that her husband and his family members are not allowing her to enter the matrimonial home. The allegations of rape *prima facie* appear to be the outcome of the matrimonial dispute.

6. Considering the nature of accusation, in my considered view, this is a fit case to exercise discretion under section 438 of the Criminal Procedure Code, 1973. Hence, the Applications are

allowed on the following terms and conditions;

- (i) In the event of arrest of the Applicants in Crime No.336 of 2023 registered with Vijapur Naka police station, Solapur City, they are ordered to be released on bail on executing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount.
- (ii) The Applicants shall report to the Investigating Officer for two days i.e. on 4 and 5 August, 2023 between 11.00 am to 2.00 pm and further as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of

residence or mobile details, if any, from time to time.

7. The Applications stand disposed of.

(ANUJA PRABHUDESSAI, J.)