

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2502 OF 2023

Babita Rajendra Pawar and Others	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Sumant Deshpande i/b Mr. Akshay Choudhari, for
Applicants.

Mr. R. M. Pethe, APP for State.

Mr. B. H. Shikhare, PSI, Dighi Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 5th SEPTEMBER, 2023

P.C.:-

- 1) Heard the learned counsel for the applicants and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 235 of 2023, registered with Dighi police station, Pune, for the offences punishable under Sections 376, 376 (2) (n), 354-A, 325, 323, 504, 506 and 406 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3) Applicant No. 1 is mother, applicant No. 2 – the brother and applicant Nos. 3 and 4 are the sisters of Vikas Pawar – co-

accused No. 1, against whom the first informant lodged a report of the offences punishable under Sections 376, 376 (2) (n), 354-A of the Indian Penal Code for having subjected her to sexual exploitation by giving promises of marriage.

4) The role attributed to the applicants is that of humiliating and harassing the first informant when she insisted them to persuade Vikas to solemnize marriage with her as promised. It is alleged that the applicant Nos. 3 and 4, on the contrary, instigated Vikas to snap the relationship with the first informant. On 22nd April, 2023, the first informant was allegedly assaulted by the applicants and Vikas, especially the applicant No. 3 Asmita assaulted her by means of grinding stone.

5) Prima facie, the allegations against the applicants are primarily of assaulting, insulting and intimidating the first informant. Co-accused No. 1 – Vikas is released on bail.

6) Having regard to the nature of the accusation against the applicants, their custodial interrogation is not warranted to facilitate further investigation.

7) The applicants appear to have roots in society. Possibility of tampering with evidence and fleeing away from justice seem to be remote.

8) Hence, I am inclined to allow the application. Thus, the following order:-

ORDER

I) The application stands allowed.

II) In the event of arrest of the applicants in connection with C.R. No. 235 of 2023, registered with Dighi police station, Pune, for the offences punishable under Sections 376, 376 (2) (n), 354-A, 325, 323, 504, 506 and 406 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

III) The applicants shall co-operate with the investigation and attend Dighi police station, Pune, on every alternate Sunday in between 10.00 am to 12.00 pm for a period of one month.

IV) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

V) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

VI) The application stands disposed.

[N. J. JAMADAR, J.]