

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

ANTICIPATORY BAIL APPLICATION NO.1355 OF 2024

Ratan Maruti Ingale

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Gautam R. Kulkarni i/b. Trunal Tonape a/w Nikita Anandache, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.91/2024, dated 28/02/2024, registered with Akkalkot North Police Station, Solapur Rural, under sections 354-B, 452, 504, 506 of the Indian Penal Code.

2. Heard Mr. Gautam R. Kulkarni, learned counsel for the Applicant and Ms. Rajeshree V. Newton, learned APP for the State.

3. The FIR is lodged by the victim herself. She has stated that she is 18 years of age. She was married and was residing with her husband, her father-in-law, mother-in-law and brother-in-law. On 28/02/2024 at about 11.30 a.m. she was alone in the house. Her mother-in-law and brother-in-law had gone to sell vegetables. Her husband had gone to Pune and her father-in-law had gone to the market. At that time, present Applicant entered her house and started getting physical with her. It is mentioned that he tried to disrobe her. In the meantime, she started shouting. The Applicant threatened her. At that time, her father-in-law returned home. He asked the Applicant as to what he was doing there. The Applicant abused him and left the house. After that, the informant along with her family members went to the police station and lodged her FIR.

4. Learned counsel for the Applicant submitted that the allegations are not true. The Applicant and the informant were having close friendship and there are photographs as well as mobile phone record to support this contention. Only when her father-in-law saw him in the house, this FIR was lodged. If the

incident was true, the neighbours would have immediately gathered at the spot because both the parties are neighbours and their houses are made of tin shed.

5. He produced some photographs before the Court to show their friendship. Those photographs were seen by learned APP as well.

6. Learned APP could not really controvert that the photographs indicate that they were in friendly relations. Thus, it appears that there was some friendship between the informant and the Applicant and the FIR is lodged after the father-in-law saw him in the house. It is difficult to believe that the father-in-law would have just allowed the Applicant to go away after mildly questioning him; if the incident as alleged in the FIR is true. Therefore, some reasonable doubt is created about the prosecution story.

7. In this view of the matter, custodial interrogation of the Applicant is not justified. The investigation can go on without his custodial interrogation.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.91/2024, dated 28/02/2024, registered with Akkalkot North Police Station, Solapur Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)