

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2241 OF 2024**

Kailash Appasaheb Pawar and others	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Dinesh P. Adsule a/w. Mr. Samir Ghatge for applicants.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

Mr. Atul Thorat, PSI, Mundhawa Police Station, District Pune City.

**CORAM : MANISH PITALE, J.
DATE : 16th AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0280 of 2024 dated 01.07.2024 registered at Mundhawa Police Station, District Pune City, for offences under Sections 64, 64(2)(m), 74, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

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3. The informant is the sister-in-law of the applicants. In her statement, the informant has stated that after the death of her husband on 20.02.2022, who was the younger brother of the applicants, on certain dates, the applicants committed forcible sexual intercourse on her. This has led to registration of the aforesaid serious offences against the applicants and other accused persons. Two co-accused persons were granted anticipatory bail by the Sessions Court.

4. The learned counsel for the applicants submitted that after the death of younger brother of the applicants i.e. the husband of the informant, certain disputes arose between the informant and the applicants. It is alleged that the informant was demanding certain amount. It is brought to the notice of this Court that by way of a demand draft, an amount of ₹ 11 lakhs was paid to her. But, she was not satisfied and that it is in the backdrop of the aforesaid dispute that the FIR was registered, wherein the applicants have been falsely implicated.

5. The learned APP fairly pointed out that the informant herself refused to undergo medical examination after registration of FIR and that in her statement dated 11.07.2024 recorded before the Magistrate under Section 164 of Criminal Procedure Code, 1973 (Cr.P.C.), the informant has simply stated that she wants to withdraw the complaint and she does not have anything more to say.

6. Although the allegations in the present case are very serious, the learned counsel for the applicant has indicated that such allegations are made in the backdrop of the dispute between the informant and the applicants. Copy of demand draft dated 21.06.2024 for an amount of ₹ 11 lakhs shows that substantial amount was indeed given to the informant and it also supports the contention raised on behalf of the applicants as to the backdrop in which the FIR was registered.

7. Apart from this, the statement of the informant recorded on 11.07.2024 under Section 164 of the Cr.P.C. makes it amply clear that even the informant is not supporting her own version, which led to registration of FIR. Additionally, the informant refused to undergo medical examination

after registration of FIR. These factors ought to inure to the benefit of the applicants.

8. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicants are arrested in connection with FIR No.0280 of 2024 dated 01.07.2024 registered at Mundhawa Police Station, District Pune City, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) the applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case;
 - (iii) the applicants shall co-operate with the investigation and also in the proceedings before the trial court.
9. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.
10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
11. The application stands disposed of.

(MANISH PITALE, J)