

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

Anticipatory Bail Application No.1173 of 2025



... Applicant

versus

1. The State of Maharashtra
(At the instance of the P.I. -
Baramati City Police Station, Pune
Vide C.R. No.94/2025)

2. XYZ

... Respondents

Mr Aniket Nikam, i/b. Mr Sumit Patil, for the applicant.

Mr Prashant Jadhav, APP, for respondent No.1/ State.

Mr Ranjit Pawar, for respondent No.2.

PSI Ratnadeep S Bhandare, Baramati City Police Station, is present.

Coram: R.N. Laddha, J.

Date: 2 July 2025.

P.C.:

This is an application for pre-arrest bail filed by the applicant apprehending arrest in CR No.94 of 2025, registered at Baramati City Police Station, for the offences punishable

under Section 376, 377, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. In this case, the complainant, who married the son of the applicant on 13 January 2022, filed an FIR alleging harassment by her husband and in-laws over dowry and insufficient gold given during the marriage. Initially treated well for a month, she was later subjected to continuous abuse and demands for more gold. Her husband was unemployed and forced her into unnatural sexual relations, beating her on her private parts when she resisted. While pregnant, she was made to do all household work. On 10 January 2024, the applicant, who is the father-in-law, raped her and threatened her to remain silent which she did for the sake of her child and marriage. After further physical abuse, she left the house, eventually filing a complaint at the Bharosa Cell. Following failed mediation, she lodged the present FIR on 14 February 2025.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant, who is the father-in-law of the complainant, has been falsely implicated in the present case, which arises out of matrimonial discord between the complainant and the applicant's son. He submits that the applicant's son has initiated proceedings for dissolution of

marriage under the Hindu Marriage Act by filing Marriage Petition No.210 of 2024 before the competent Court on 14 March 2024. He further submits that the complainant had earlier lodged a complaint before the Bharosa Cell on 17 May 2024, wherein certain allegations, including those pertaining to outraging her modesty, were made against the applicant. However, no allegation of rape, allegedly committed on 10 January 2024 and first raised in the complaint filed on 19 March 2025, is an afterthought and a misuse of the legal process, especially as it was made over a year after the alleged incident and subsequent to the filing of the matrimonial proceedings.

4. Conversely, the learned APP representing respondent/ State and the learned Counsel for the complainant / respondent No.2, jointly oppose the application and submit that the FIR contains specific allegations of rape against the applicant. They argue that the delay in filing the FIR is not fatal at this preliminary stage of investigation, considering the sensitive nature of the allegations and the familial relationship between the parties. They submit that the complainant and her family initially sought to resolve the matrimonial dispute amicably, as reflected in their approach to the Bharosa Cell. Emphasising the gravity and seriousness of the offence, they contend that

the applicant has been accused of sexually assaulting his own daughter-in-law, causing severe psychological trauma to the complainant. They also point out that the complainant, in her statement recorded under Section 183 of the BNSS, 2023, has also categorically narrated the incident of rape and specifically identified the applicant as the perpetrator, while also alleging that he issued threats to her.

5. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. v. State of Bihar & Anr.*¹

6. Upon perusing the records, it appears that grave and specific allegations of rape have been levelled against the applicant by his daughter-in-law. The investigation into the matter is presently at a preliminary stage and remains incomplete. The contention raised on behalf of the applicant that the initial complaint lacked specific averments constituting the offence of rape, cannot be given credence at this juncture,

¹ 2024 SCC OnLine SC 282.

particularly in view of the close familial relationship between the complainant and the accused. In cases involving intra-familial sexual offences, it is not uncommon for victims to initially withhold or temper allegations due to emotional duress, fear of social stigma, coercion, or pressure exerted by family dynamics. The submissions advanced on behalf of the applicant, in essence, pertains to his defence on merits, which cannot be tested or appreciated at this preliminary stage of the investigation. It is well settled that the Court, at this stage, is concerned solely with the *prima facie* existence of a cognizable offence, and not with adjudicating upon the veracity or sufficiency of the defence set up by the accused.

7. In light of the foregoing, considering the serious nature of the allegation, the sensitive and proximate relationship between the complainant and the applicant/accused, and the potential for interference with the ongoing investigation, this Court does not find it appropriate to exercise its discretionary jurisdiction in favour of the applicant. Accordingly, the application stands rejected.

[R.N. Laddha, J.]