

ABA 1836/2022

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ORDER

MHCC050061382022



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 1836 OF 2022  
C. R. No. 1454 of 2022  
(CNR NO.MHCC05-006138-2022)**

**Mrs. Suchita Eknath Teli**

Age – 56 years, Occ : Made Servant,

Residing at : Room No. 03, Sharma Chawl,

Hanuman Tekadi Road, Near Jivdani Building,

Kajupada, Borivali (East), Maharashtra – 400 066 ...**Applicant/Accused**

V/s.

**The State of Maharashtra**

(Through Dahisar Police Station, Mumbai

C.R.No. 1454/2022)

....**Respondent**

Ld. Advocate Mr. Prajapti for the Applicant/Accused.

Ld. APP Mr. Imran Shaikh for The State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE  
SHRI. SHRIKANT Y. BHOSALE  
(C.R.NO.13)**

**DATE : 16<sup>TH</sup> DECEMBER, 2022**

**ORDER**

In anticipation of arrest in C. R. No.1454/2022 registered with Dahisar Police Station for the offence punishable under sections 376, 376(2) (n), 114, 506(ii) of IPC, the applicant is praying for anticipatory bail.

2. Prosecution vide say Exh. 2 resisted the application.
3. Heard Ld. Advocate Mr. Prajapti for the applicant and Ld. APP Mr. Imran Shaikh for The State.
4. The case of the prosecution in short is that the applicant is mother in law of the informant. The informant did not conceive even after four years of marriage. The necessary treatment was taken, but it proved in vain. On this background, according to the informant on 09.08.2022, when her husband and other family members excluding the present applicant were out of house, one unknown person came to her house. Prior to that the present applicant told the informant that as she could not conceive, one doctor is called for her treatment and therefore, the informant should co-operate the doctor. The unknown in presence of present applicant committed sexual intercourse with the informant. The informant states that she tried to oppose, but present applicant threatened her. Again on 10.08.2022 the said person came to the house of the informant and again established sexual intercourse with her. Thus, the present applicant has abetted the co-accused for committing offence of rape.
5. According to Ld. Advocate for the applicant there is considerable delay in lodging the first information. The story of the informant is not at all believable, since the co-accused was known to the informant, inspite she referred the co-accused as unknown person and tried to show that she was not knowing him prior to the incidence.
6. It is further submitted that the allegation of rape is against the co-accused and the present applicant is shown as an accused only on the allegation of abatement, as such nothing is to be recovered from her. Moreover, the charge-sheet is already filed against the co-accused,

in such circumstances, anticipatory bail needs to be granted. In support of the contention, the applicant has cited as many as ten authorities.

7. As against this, Ld. APP relied on the decision of *The Hon'ble Supreme Court, reported in 2022 LiveLaw (SC) 870 between XXX V/s. Arun Kumar C. K. & Anr.*, submits that custodial interrogation can be one of the ground to decline anticipatory bail application. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail. He further submits that the applicant is mother in law of the informant, the offence is of serious nature, the applicant was absconding for considerable period and thus, she is not entitled for anticipatory bail. Lastly, it is submitted that in light of the serious allegation and to have deterrence of law over the applicant, it is necessary that application be rejected.

8. This Court while dealing the regular bail application of the co-accused has observed that from the statement of husband and brother in law of the informant, it is clear that the informant was knowing the co-accused since beginning, inspite she tried to show that she was not knowing the applicant and first time he was introduced by the present applicant. The Court has further observed that the story of the informant is not inspiring the confidence. It is also observed that there is considerable delay for lodging the first information and the explanation offered by the prosecution to that effect is not justifiable. Observing the above, the bail is granted to the co-accused while dealing bail application no. 1048 of 2022.

9. It is true that the anticipatory bail can not be granted merely because there is no need of any interrogation. But the present

case is considered in its true perception, it is seen that the story of the applicant is difficult to digest, specially when she tried to conceal the fact that she was knowing the co-accused, therefore, the cited decision do not appears to be helpful for the prosecution. In the result, the Court is of the view that anticipatory bail needs to be allowed. The applicant has relied on some case laws (*cited supra*), however, in light of the above discussion, there appears no need to discuss the case laws and to lengthen the order. Hence, the order.

### ORDER

1. Anticipatory Bail Application No. 1836 of 2022 stands conditionally allowed.
2. In the event of arrest of applicant/accused **Suchita Eknath Teli** in aforesaid C. R. No. 1454/2022 for the offence punishable under sections 376, 376(2) (n), 114, 506(2) of The Indian Penal Code, 1860, registered with Dahisar Police Station, Mumbai, she be released on her executing P. R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) and on furnishing one or two surety/sureties of like amount and on accepting and complying following terms and conditions -
  - a) Applicant shall not tamper with prosecution witnesses in any way.
  - b) Applicant shall produce her Identity Card, address proof and furnish her mobile number as well as land-line number with bail papers.
  - c) Applicant shall attend concerned police station on 21.12.2022, 22.12.2022 and 23.12.2022 between 10.00 a.m. to 2.00 p.m. and thereafter, if required by the investigation officer by his order in writing.
  - d) Applicant shall attend the trial regularly.
3. The observation made in this order are restricted to this application

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**ORDER**

only and the Trial Court shall not get influenced by the observation of this Court.

4. Anticipatory Bail Application No. 1836 of 2022 is disposed of.

**(Dictated and pronounced in presence of Ld. Advocate for Applicant & Ld. APP)**

**Date: 16.12.2022**

**(Shrikant Y. Bhosale)**  
The Addl. Sessions Judge  
City Civil & Sessions Court,  
Borivali Division, Dindoshi.

Dictated on : 16.12.2022  
Transcribed on : 17.12.2022  
Checked & corrected on : 17.12.2022  
Signed on : 17.12.2022  
Sent to Dept. on :

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

Date : 17/12/2022

Time : 4.21 P.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

**HHJ S. Y. BHOSALE  
(Court Room No.13)**

Date of Pronouncement of  
JUDGMENT/ORDER

16.12.2022

JUDGMENT/ORDER signed by P.O. on

17.12.2022

JUDGMENT/ORDER uploaded on

17.12.2022