

**Cri. Bail Application No. 1234 / 2020**

1. Shravan Daga Deore
2. Sau. Vidya Shravan Deore
3. Prashant Aatmaram Khairnar
4. Sau. Guddi @ Ranjana Prashant Khairnar .. Applicants/  
Accused.

Vs.

The State of Maharashtra  
through P.I. Ambad P.Stn.  
(Cr. No. I 504/2020 ) .. Respondent.

**Order below Exh.1**

1. This application has been filed by the applicants/accused under section **438 of the C.r.P.C.**, for releasing them on **anticipatory bail** in crime No. I 504/2020 registered at Ambad Police Station for the offence punishable under section 498-A, 376, 354, 323, 504, 109 r.w.sec. 34 of the Indian Penal Code.

2. According to the prosecution case, the FIR was lodged by the victim alleging therein that she was married to the son of the applicant No.1 & 2 on 19.04.2018. After marriage, she went to reside at her matrimonial house. Initially she was treated well for couple of days. Thereafter, her husband started drinking liquor. The applicant No.1 who is her father in-law used to touch her in-inappropriately. Thus, he had outraged her modesty. The applicant No.2 to 4 are in laws and they used to harass her on trifle matters. So, she alongwith her husband started residing separately from June 2019. As, her husband was addicted to liquor, he started calling his friends at home. They used to sit at home and consume liquor. In the month of December'2019, her husband called his friend by name Pradip Nichane at home. They both consumed liquor

at home. After sometime, her husband left the house and bolted the door from outside leaving his wife and friend at home. Thereafter, his friend committed rape on her. He gagged her mouth so that she could not raise her voice. After committing the act, he left her house. She then went to the police station and lodged report on 14.09.2020. Police registered the FIR against the applicants/accused and arrested her husband on 16.09.2020.

The applicants/accused are apprehending their arrest at the hands of the police. So they approached the Court for protection.

3. The applicants were granted interim protection as per order below Exh.3 on 19.09.2020. He prays to confirm the interim protection and allow the application.

4. The learned counsel Mr. Sameer Inamdar appearing the applicants/accused has argued that the applicant No. 1 is the Government servant and he is about to retire. If he is arrested by the police, there would be a problem for him to get retirement benefits. The applicant No. 2 is suffering from various ailments. The allegations against the applicant No. 3 & 4, are false. He further says that allegation of rape is against third person. Applicants have no concerned with the crime. They are ready to abide by all the terms & conditions. Hence, he prays to confirm the interim protection and allow the application.

5. The Investigating Officer has filed his Say at Exh.6 and opposed the application stating that the nature of the offence is serious. The statements of the complainant and witnesses under section 164 of the Cr.P.C. are yet to be recorded. The investigation of the crime is in progress. If the applicants/accused are released on bail, they will not

cooperate the investigation agency and they may tamper the prosecution witnesses. Hence, he prays for rejection of the application. The learned APP Smt. Bhide has submitted in line with the Say filed by the Investigating Officer and prayed for rejection of the application.

6. After hearing both the sides and perusing the contents of the FIR, the allegation against the applicant No.1 is that he had touched her in-inappropriately and thus outraged her modesty. So far as the allegation against the applicant No. 2 to 4 is concerned, they harassed her mentally & physically on trifle matters. Considering the nature of the allegations against all the applicants, their custodial interrogation is not required. Further, due to Pandemic situation in the country, I am inclined to confirm the interim protection granted to the applicants on the same terms & conditions. With this I proceed to pass following order :

### **ORDER**

1. Application (Exh.1) is hereby allowed.
2. The interim protection granted to the applicants / accused as per order below Exh.3 on 19.09.2020, is hereby confirmed on the same terms & conditions mentioned therein.

Date : 01.10.2020.

( Smt. S.S. Nair )  
Addl. Sessions Judge-2 Nashik.