

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

**CRIMINAL APPLICATION NO. 4598 OF 2006.**

Nitin Vinayak Bhoir & ors.

... Applicants.

V/s.

The State of Maharashtra & ors. ... Respondents.

Shri A.S. Rao for the Applicants.

Shri A.R.Patil, APP for the State.

**CORAM : A.P.DESHPANDE,J.  
VACATION JUDGE.  
DATE : 29TH DECEMBER 2006.**

**P.C. :**

. Heard.

2. An F.I.R. was lodged by one Sarita Sudhakar Salve on 16th November 2006 wherein it is stated that one Rajesh, the prime accused has committed rape on the complainant. The present applicants are near relations of the said Rajesh. An offence has been registered against Rajesh and the present applicants under sections 376, 420, 506 (II), 323 and 504 read with section 34 of the Indian Penal Code and section 3(1) XI & XII of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act. Rajesh was arrested and has been released on bail is an undisputed fact. The applicant No.1- is his brother, applicant No.2 is his sister-in-law, applicant No.3 is the wife of

Rajesh, applicant No.4 is the mother of Rajesh, applicant No.5 is the married sister of Rajesh whereas applicant No.6 is the Driveer working with the applicants.

3. It is the case of the applicants that they are deliberately roped in by lodging false complaint. The Sessions Court has rejected prayer for interim bail which order has been challenged in this application.

4. The learned Counsel appearing for the applicants has also submitted that during the pendency of this application, the main application moved before the Sessions Court is also rejected. Hence, he seeks leave to amend. He further seeks interim direction as the applicants are apprehending arrest at the hands of the police. In the above fact situation, I restrain the respondent from arresting the applicants for a period of one week from today, during which period applicants shall surrender before the Court which is trying the case viz. Additional Sessions Judge, Thane and apply for bail. This order will subserve the ends of justice and as no further orders are necessary to be passed, application stands disposed of.

5. The copy of the order passed by the trial

Court, pending this application, is taken on  
record.

**(A.P.DESHPANDE, J.)**