

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.300 OF 2015

Ajay Mahendra Dubey ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Sandeep K. Singh, for the Applicant.
Ms.P.P.Shinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 12th MARCH, 2015.

PC.

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. no.I-39 of 2015, registered with the Vishnu Nagar Police Station, Thane, for the alleged offences punishable under Sections 376, 506 of the Indian Penal Code.
3. Admittedly, the complainant and the applicant were previously married, before they met each other. Both have children from their

previous marriages. The complainant is alleged to have separated from her husband, about two years prior to meeting the applicant. Sometime in December, 2012, the applicant's and complainant's friendship developed into a love affair. Thereafter, it is alleged that the applicant on the pretext of marriage had sexual relations with the complainant. It is alleged that the applicant told the complainant, that he would divorce his wife and thereafter marry the complainant. According to the prosecutrix, the applicant had given false promise of marriage and from December 2014, he suddenly cut off relations with her.

4. Learned Counsel for the Applicant states that it is a case of consensual sex and that both the parties were aware that they were married. Without going into the merits, as to whether the consent was obtained, on the promise of marriage or not, considering the peculiar facts of the case, the applicant deserves to be granted pre-arrest bail, on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in

the like amount ;

- ii) The Applicant shall attend the Vishnu Nagar Police Station, Thane, on every Sunday, between 11.00 a.m to 12.00 noon, till the filing of the charge-sheet;
 - iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case.
5. The Application is allowed and disposed of in above terms.
6. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)