

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 360 OF 2015

Deepaksingh Madansingh Detawade	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Kuldeep Patil, for the Applicant.
Mr. S.S. Pednekar, APP, for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MARCH 18, 2015

PC.:

1. Application is moved for pre arrest bail as the applicant is facing prosecution under Sections 376 and 417 of Indian Penal Code. It is the case of the prosecution that she is a widow with one daughter of 8 years old. She was staying with her mother as her husband expired 5 years back. She came in contact with applicant/accused who expressed his love towards her. So she got attracted towards him. Once he took her in one room and expressed to have sexual intercourse though she was not willing but when he promised her that he would marry her, she consented and thus there was sexual intercourse for number of times in a period of one year. Now he has refused to marry her and therefore victim lodged complaint that she gave consent for sexual intercourse as he promised to marry.

2. The learned counsel for the applicant/accused submitted that it is consensual sexual intercourse and it can not fall within the definition of section 376 of Indian Penal Code and hence, he seeks pre arrest bail.

3. The learned prosecutor opposes the application and submits that the lady was given promise to marry and he thereafter the applicant/accused refused and hence offence of rape is committed by him.

4. On perusal of the F.I.R., it appears that the prosecutrix was 27 years old with one girl child of 8 years. She was experienced. Considering this fact, I am of the view and therefore inclined to grant pre arrest bail.

5. Hence, I grant anticipatory bail as under:

a) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- (Fifteen Thousand) with one or two solvent sureties in the like amount.

b) The applicant shall attend the Revdanda police station, Dist. Raigad once in a week on every Monday in between 11.00 am to 12.00 noon till 21-04-2015.

c) Anticipatory Bail Application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)