

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.524 OF 2015

Avinash Ramesh Kalyani ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.J.D. Mane for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.S.N. Gaikwad, PSI, Jail Road police station, Solapur City – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 27, 2015**

P.C.:

1. The application is moved for pre-arrest bail. The applicant/accused is prosecuted for the offences punishable under sections 376, 323, 504, 506 r/w 34 of the Indian Penal Code as the offence is registered at the instance of the complainant at C.R. No.187 of 2014 at Jail Road police station, Solapur.

2. It is the case of the prosecutrix that she was in the year 2011. She got friendly with the applicant/accused. In March, 2013, he promised her to marry and therefore, she allowed him to have sexual intercourse. Then in the year 2013, she got engaged with some other person and thereafter also, she used to meet him because he had promised that he would marry

her. Then on 4.12.2013, she got married to some other person and thereafter the applicant/accused used to harass her and contact her. He tried to blackmail her. However, because of the applicant/accused there were disputes between the prosecutrix and her husband and ultimately, she took divorce on 15.2.2014 i.e., within 3 months of her marriage. Then again, they continued to have relations and but he did not agree to marry her. Hence, she lodged the complaint against him.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent and he is falsely implicated in this case. He, therefore, prays for pre-arrest bail.

4. The learned Prosecutor opposed the application and produced her age certificate showing her birth date as 31.3.1996.

5. As per the allegations, the first incident of sexual intercourse has taken place in the year on 27.3.2013. That means at the relevant time, she was nearly 17 years old. This shows that she was understanding the consequences of the act and the nature of the act she consented to.

6. In view of this, I confirm the interim bail granted on 15.4.2015 with the same conditions. However, the applicant/accused is directed attend

the concerned police station on 1.5.2015, 8.5.2015 and 15.5.2015 between 4 pm to 5 pm and cooperate with the Investigating agency.

7. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)