

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.867 OF 2015

Nagesh Gurav	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Shailesh Kharat, for the Applicant.
Mr. S.S. Pednekar, APP for Respondent – State.

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

DATE: **JULY 22, 2015**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 323, 504 and 506 read with 34 of the Indian Penal Code in C.R. No. 156 of 2015 registered with Khed police station, Pune.

2. The offence is registered at the instance of prosecutrix on 21st May, 2015. As per the case of the prosecution, the incidents of

rape has taken place from 26th April, 2015 till 12th May, 2015. It is the case of the prosecutrix that she was married three years back. However, she took divorce and since then she was staying with her parents at Khed. The applicant/accused resides opposite to her house. Since last two years, they were in love with each other. As per her allegation, the applicant/accused spent Rs. 50,000/- of the prosecutrix. On 26th April, 2015 the applicant/accused on the promise to marry the prosecutrix demanded sexual intercourse with her and she consented for that. Thereafter, on number of times till 12th May, 2015 the applicant has committed sexual intercourse with the prosecutrix. Thereafter, he refused to marry her and threatened her that he is having their obscene video clip and he would circulate the same in the society. The prosecutrix thereafter lodged the complaint.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has been attending police station as directed by this Court regularly. He further submitted that the applicant is falsely implicated in this offence. He has not committed the offence of rape and the allegations made against him by the prosecutrix, are false.

4. The learned prosecutor opposed the application. He submitted that the applicant has violated the condition imposed by this Court at the time of granting pre arrest bail. He is not cooperating with the police and did not handover his cell phone, memory card and sim card. Hence the application be rejected.

5. Perused the first information report. From the first information report, it appears that it is a consensual sexual intercourse. The prosecutrix, at the time of the incident was major 21 years old girl. Earlier she was married. This shows that she was aware of the consequences of the demand of sexual intercourse by a man. Under such circumstances, I confirm the interim pre arrest bail granted earlier by this Court on 24th June, 2015 on the same terms and conditions. Now the applicant/accused shall give attendance till filing of the charge-sheet.

6. The application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)