

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.876 OF 2015

Manoj Sunil PathareApplicant

V/s.

The State of MaharashtraRespondent

Mr. Rishi Bhutta for Applicant

Ms. Rutuja Ambekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 9th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 107 of 2015 registered at R.C.F. Police Station for offence punishable under sections 376, 420, 506 (II) r/w 34 of Indian Penal Code.

2) It is the case of prosecution that on 22/04/2015, prosecutrix lodged a report at the police station alleging therein that present applicant happens to be her distant relative. She was acquainted with him, they were in love with each other. Applicant had expressed his love for her and had assured her that he would keep her happy after marriage. Applicant had allegedly taken complainant to his house on 28/01/2015 and had informed his parents that he desires to marry her. She was requested to stay in his house. She stayed in his

ism

house. She has specifically stated that applicant had taken care of her for the first 15 days. During the said 15 days, they had sexual intercourse. She had consented only because he had assured her of marriage. Thereafter, he had started assaulting her. He used to lock the house while going for work. His mother was also supporting him. On 15/03/2015, his mother had been to the flour mill and at that time, complainant escaped and lodged report. On the basis of said report, applicant is being prosecuted for offence punishable under sections 376, 420, 506 (II) r/w 34 of Indian Penal Code.

3) Papers of investigation would show that on 24/07/2012, mother of complainant had sent a letter to the relatives stating therein that although their daughter was engaged with present applicant, wedding has been called off. That they have no objection if applicant gets married to some other person. That they have no grievance against present applicant. All this would indicate that marriage was called off prior to 24/07/2012. F.I.R. was lodged on 22/04/2015 and according to complainant she had visited the house and was locked in the house after 28/01/2015. The case of prosecution appears to be doubtful. Applicant therefore, deserves grant of pre-arrest bail. It is made clear that observations made herein above are prima facie in nature and shall

not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall report to concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)