

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1045 OF 2015

Ganesh Vishnu Kumbhar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Prashant Hagare i/b. Mr. Kuldeep Patil, for the Applicant.
Mr. S.S. Pednekar, APP for the Respondent-State.
Mr. Pankaj Deokar, for the original Complainant.
IO. Mr. S.V. Ankare (PI), Daund police station present.

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

DATE: **AUGUST 07, 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, 420 and 506 of the Indian Penal Code in C.R. No. 167 of 2015 registered with Daund police station, Pune.

2. The offence is registered at the instance of the prosecutrix on 16th June, 2015 at Daund police station, Pune. It is the case of the prosecutrix that she came into contact with the applicant/accused

when she was working in one institute at Pune in the year 2013. They developed friendship and their friendship turned into affair. The applicant/accused promised her to marry and therefore since July, 2013 till December, 2014 they had physical relationship. However, the applicant/accused got married with some other girl on 4th December, 2014. Thereafter also the applicant/accused was having sexual relations with the prosecutrix. It is the case of the prosecution that co-accused Nagesh Gavade exploited the prosecutrix as he had knowledge about the sexual relations between the prosecutrix and the applicant/accused. Therefore, he compelled her to have sexual relations with him. She was threatened by him that he would publish the news of her sexual relations and also will circulate her obscene photographs on the facebook. Thereafter, she filed complaint.

3. The learned counsel for the intervener/complainant seeks permission to file vakalatnama during the day. It is allowed. The learned counsel for the complainant has filed an affidavit of the prosecutrix on instructions given by the prosecutrix that she has no grievance against the applicant/accused as she has involved him due to the pressure of the family members.

4. The learned Counsel for the applicant/accused submits that the applicant/accused is innocent. He has not committed any offence.
5. The learned prosecutor opposed the pre arrest bail application. He submits that such affidavit was also produced before the learned Judge of the Family Court. Thereafter, also the applicant/accused gave threats to the prosecutrix.
6. Perused the first information report. The age of the prosecutrix is 24 years. Considering the allegations made, the contents made in the first information report, *prima facie* I am of the view that there is possibility of consensual sexual intercourse. Therefore the interim pre arrest bail granted to the applicant/accused on 24th July, 2015 is hereby confirmed on the same terms and conditions.
7. The application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)