

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1406 OF 2015

Manoj Madan Chaudhari .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.V.V.Purwant, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 22.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
I-115 of 2015 registered with the Tilaknagar
Police Station, Thane, for the alleged offence
punishable under Section 376 of the Indian Penal
Code, 1870.

3. The prosecutrix is aged 28 years and the applicant 46 years. According to the prosecutrix, she was serving as an Agency Manager in the Insurance Company and was staying with her cousin, who was married. She has alleged that she met the present applicant about four years prior i.e. in the year 2011, when she was serving as a Relationship Associate in an Insurance Company. She has stated that in the course of business, she met the applicant. According to her, their acquaintance developed into a friendship and they started meeting frequently. She has alleged that in November, 2011, the applicant called her to his residence at Dombivali to meet his parents, however, when she reached his residence, she found that his parents were not at home. It is alleged by the prosecutrix that the applicant on the assurance that he would marry her committed forcible sexual intercourse with her. She has alleged

that thereafter, on a couple of occasions on the assurance that the applicant would marry her, he had forcible physical relations with her. According to the prosecutrix, after January, 2013, the applicant refused to take her calls and refused to meet her. She has alleged that she was under the impression that the applicant would marry her hence, she had physical relations with him against her wish. The present complaint is lodged on 08.09.2015.

4. Learned counsel for the applicant submits that both the prosecutrix and the applicant are adults and that the relations between them were consensual. He submitted that the alleged offence is stated to have taken place between November, 2011 and January, 2013, however, the complaint has been lodged only in September, 2015.

5. Be that as it may, whether the relations were consensual or not is a matter which will be decided by the trial Court. However, considering the peculiar facts and circumstances of the case, the applicant is granted pre-arrest on the following terms and conditions:

ORDER

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

(ii) The applicant shall not tamper or attempt to influence the prosecutrix, witnesses or any person concerned with the case.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to

this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.