

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1844 OF 2015

Mr. Pankaj Madhukar Bhalekar : Applicant
Vs.
State of Maharashtra : Respondent

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Mr. Prakash Naik i/b. Sachin R. Pawar for the applicant.
Ms. R. V. Newton, Addl. Public Prosecutor for the State.
Mr. G. D. Kadam, A.S.I Roha Police Station, Dist. Raigad (present).

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : December 14, 2015.

P.C. :

. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No. 220/2015, registered at Roha Police Station, Tal. Roha, Dist. Raigad, for offences under sections 376 and 506 of the IPC.

2. The case of the prosecution in brief is that :

The applicant herein had sexual intercourse with the victim under the promise of marriage. It is further stated that the applicant thereafter refused to marry the victim and threatened to cause her death.

3. The learned Senior Counsel appearing for the applicant has submitted that the relationship between the applicant and the victim was consensual. He has further submitted that the allegations made in the FIR do not constitute offence under section 376 of the IPC.

4. Ms. R. V. Newton the learned Addl. Public Prosecutor has

submitted that the applicant had sexual intercourse with the victim under the false promise of marriage which constitutes an offence under section 375 of the IPC. She has submitted that the offence is of serious nature and as such the applicant is not entitled for bail.

5. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that the victim is a 23 years old girl. She had come to know the applicant through social networking. They used to meet each other and they were in love with each other. The FIR prima facie reveals that the applicant and the victim had sexual intercourse for the first time in the year 2012 and subsequently they have met each other several times and had physical relationship till the year 2015. The FIR has been lodged after the applicant had refused to marry the victim. Prima facie, the FIR does not indicate that the victim had maintained relationship with the applicant under misconception of fact. The material on record prima facie indicates that the relationship is consensual. Considering the nature of the allegations levelled, in my considered view, this is not a fit case for custodial interrogation. The applicant is a permanent resident of Roha, Dist. Raigad, and there is no possibility of the applicant absconding or thwarting the course of justice.

6. Under the circumstances, the application is granted on the

following terms and conditions :

- (a) In the event of arrest of the applicant in Crime No. 220 of 2015 registered at Roha Police Station, the applicant shall be released on bail on furnishing Bail Bond of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the Sessions Judge, Mangaon.
- (b) The applicant shall report to the Investigating Officer initially for a period of 4 days from 10.00 a.m. to 1.00 p.m. from the date of receipt of this order and thereafter as and when required by the Investigating Officer.
- (c) The applicant shall not interfere with the victim and the witnesses in any manner.
- (d) The applicant shall not leave Dist. Raigad till filing of the charge-sheet without prior permission of the Sessions Judge, Mangaon.

(ANUJA PRABHUDESSAI, J.)