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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.417 OF 2016**

Dnyaneshwar Shankar Jumbukar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.R.N.Gite, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

Police Constable – Bhosure, Chakan Police Station, Pune.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 2<sup>nd</sup> APRIL, 2016***

**P.C. :**

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 66 of 2016 registered with the Chakan Police Station, Pune, for the alleged offences punishable under Sections 376, 417 of the Indian Penal Code.
3. According to the complainant, she met the applicant some time in the year 2006 in connection with some work and thereafter there was a

love affair between the two. She has alleged that from 2006 to 2016, the applicant had physical relations with her. According to the complainant, the applicant had promised marriage and hence she had physical relations with the applicant. She has also alleged that the applicant had assured to give his name to the daughter who was born from the first marriage and had even promised to invest a sum of Rs.5 lac in Fixed Deposit in her name.

4. Learned Counsel for the applicant submitted that the complainant and the applicant were in a relationship for almost 10 years. He submitted that the applicant was a married man with children and that the complainant was aware of the same. He submitted that infact the applicant had started a partnership firm by the name 'Maheshwari Sughandyalay', in which he had given 50% partnership to the complainant. He further submitted that the complainant herself was married to someone in the year 2011 and had obtained a decree of divorce by mutual consent in the year 2015. He submitted that only as the applicant refused to make her a partner in his another business, the complainant lodged a false complaint.

5. Learned APP submits that according to the complainant, the applicant on the assurance and promise of marriage had physical relations with the complainant. She submits that the DNA test of the applicant has been done.

6. Perused the papers. It appears that the complainant and the applicant were in a relationship for almost 10 years. The allegations are that the complainant had physical relations with the applicant on the assurance that he would marry her. It appears that the DNA test has been done. In the facts of the case, the applicant is granted anticipatory bail 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.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer on every Saturday between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;

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

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

8. 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.

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

**REVATI MOHITE DERE, J.**