

Anand

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

ANTICIPATORY BAIL APPLICATION No.636 OF 2016

Abhishek Rajendra Zade .Applicant

Vs.

The State of Maharashtra .Respondent

Mrs.Pranali Kakade i/b. Mr.S.Hulyalkar,
Advocate, for the Applicant
Ms R.M.Gadhvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.05.2016

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.
135 of 2016 registered with the Chakan Police
Station, District – Pune(Rural), for the alleged
offences punishable under Sections 109, 313 &
376 of the Indian Penal Code.

3. The Complainant aged 25 years and the Applicant were studying together in a School and as such were known to each other. She has alleged that after completing their education, in December, 2014, the Applicant alongwith two others visited her at Pune. She has stated that the Applicant would call her and had professed his love for her which she refused. She has alleged that in March, 2015, the Applicant informed her that he was going to marry her soon. In April, 2015, the Applicant is alleged to have taken the Complainant to Chakan and had compelled her to drink some liquid without her consent, pursuant to which he had physical relations with the Complainant. She has stated that she became pregnant and hence, the Complainant and the Applicant both went to the Doctor, pursuant to which abortion was done. According to the Complainant, when she asked the Applicant to marry, he refused to marry her. Accordingly, the aforesaid complaint was lodged.

4. Learned counsel for the Applicant submitted that both the Complainant and the Applicant were known to each other and that the relations between the two were by consent. She submitted that the Applicant had neither cheated the Complainant nor raped the Complainant nor had promised to marry her. She submits that there is some delay in lodging the FIR.

5. Learned APP submits that during the pendency of this Application, the Complainant has given an Affidavit stating that the said complaint is lodged out of misunderstanding. It appears that the Applicant and the Complainant were known to each other.

6. Considering the peculiar facts of the case, the Applicant is granted Anticipatory Bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail, on executing PR 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 of the Chakan Police Station, District – Pune(Rural) as & when called for by the investigating officer till the filing of the charge-sheet.

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 the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)