

Anand

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

ANTICIPATORY BAIL APPLICATION No.740 OF 2016

Santosh Kumar Talbhandare .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.B.Vijaymane, Advocate, for the Applicant
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.05.2016

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. 148 of 2015 registered with the Jodbhavi Peth Police Station, Solapur, for the alleged offences punishable under Sections of 376, 312, 417 of the Indian Penal Code.

3. The prosecutrix is aged 40 years and the applicant is 31 years of age. According to the prosecutrix, the applicant was her neighbour and hence their acquaintance developed into a relationship. She has alleged that she and the applicant were in a relationship for almost 12 years and that the applicant had taken her from time to time to various lodges and had physical relations with her. She has further alleged that on 3 to 4 occasions, there was miscarriage and that 4 years prior to the lodging of the FIR, she became pregnant and delivered a child, however, after 8 days, the child expired. She has alleged that she had physical relations with the applicant, on the assurance that he would marry her.

4. Learned APP submits that the documents which are collected show, that a child of the Applicant and the prosecutrix was delivered in 2008 and that in the records, the Applicant's

name is shown as father of the child. He submits that custody of the Applicant is required because there was a breach of promise to marry the prosecutrix.

5. Perused the papers. It appears that the Applicant and the prosecutrix were in a relationship for almost 12 years, pursuant to which the prosecutrix became pregnant and delivered a child in 2008 and that after eight days, the child expired. The allegation against the Applicant essentially is that he had physical relations with the prosecutrix on the assurance that he would marry her, however, the Applicant did not marry her.

6. Considering the 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.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Jodbhavi Peth Police Station, Solapur **on the 1st Saturday of every month between 10.00 a.m. and 11.00 p.m. for a period of one year** from today;

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

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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.)