

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

ANTICIPATORY BAIL APPLICATION NO. 1653 OF 2016

Manish Kaul	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. Samir Vaidya, Advocate for the Applicant.
Smt. Rutuja Ambekar, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 22nd NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.389 of 2016 for the offences punishable under sections 376(2)(N) and 420 of the I.P.C.

2 The complainant appears to be major by age. The perusal of the contents of the F.I.R. and other material on the record depicts that the incident of physical relationship has occurred repeatedly which speaks of the consent of the complainant.

3 Apart from above, the fact remains that there is unexplained delay in lodging F.I.R. as the incident for the first time has occurred as back as about more than two years still complainant continued to have relationship with the applicant.

4 In view thereof, the application needs to be allowed. The applicant be released on bail on furnishing P.R. Bond of Rs.50,000/- with one surety in the like amount. The applicant shall attend police station on Monday and Thursday between 10.00 a.m. to 12.00 noon and thereafter as and when called.

5 The learned counsel for the applicant upon instructions submits that if required, the applicant shall surrender his mobile and will also co-operate in the investigation / medical examination of the applicant. The applicant shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)