

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1967 OF 2015

Santosh Bhupal Awale	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, Adv. for the applicant.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.180 of 2015 registered at Jaysingpur Police Station, Dist. Kolhapur for offences punishable under Sections 376, 323, 506 & 504 of the IPC.

2. Mr. Joshi, the learned counsel for the applicant has submitted that the victim and applicant were having friendly relations and that the relationship was consensual. He has further submitted that the FIR does not disclose essential ingredients of Section 376 and hence the applicant is entitled for bail.

3. Mr. Adsul, the learned APP has submitted that apart from

commission of offence under Section 376, the applicant is also involved in assaulting and abusing the victim. He therefore claims that the applicant is not entitled for bail.

4. I have perused the records 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 herein is a major. The FIR itself indicates that she was having friendly relations with the applicant herein. The material on record does not prima facie indicate that the applicant had sexual relations with the victim under misconception of facts. On the contrary, the FIR reveals that the physical relationship between the applicant and the victim was consensual. The records further indicate that the applicant and the victim had registered their names with the marriage officer at Sangli which fact prima facie reveals that the applicant had intention of marrying the victim and had not deceived the victim under a false promise of marriage.

5. The allegations / averments in the FIR do not prima facie disclose the essential ingredients of Section 376 of IPC. The other offences are bailable. The applicant is a doctor and is a permanent

resident of Kasbe-Digraj, Tal. Miraj, Dist. Sangli, hence there are no chances of the applicant absconding and thwarting the course of justice. Considering these facts and circumstances, in my considered view, the applicant is entitled for anticipatory bail. Hence the application is allowed under the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.180 of 2015 registered at Jaysingpur Police Station, Dist. Kolhapur, the applicant shall be released on bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two local sureties in the like amount to the satisfaction of the JMFC, Jaysingpur.
2. The applicant shall report to the investigating officer for 4 days from the date of the receipt of the order and further as and when required by the investigating officer for the purpose of interrogation.

(ANUJA PRABHUDESSAI, J.)