

Anand

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

ANTICIPATORY BAIL APPLICATION NO.439 OF 2017

Prabhakar Basavraj Hippargi

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.V.V.Phatate, Advocate, for the Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 20.04.2017

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.289 of 2016 registered with the Vijapur Naka Police Station, Solapur, for the alleged offences punishable under Sections 420 & 376 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the relations between the Applicant and the prosecutrix were consensual and that the prosecutrix was 22 years of age at the relevant time.

4. Perused the papers.

5. The prosecutrix at the relevant time was about 21 years of age and the Applicant 27. A perusal of the FIR shows that the friendship between the prosecutrix and the Applicant developed into a love affair. It is alleged by the prosecutrix that the Applicant had physical relations with her, for almost 2 years, on the pretext of marriage. Learned counsel for the Applicant has produced the Marriage Certificate of the Applicant with the prosecutrix. The date on the said Certificate is prior to the registration of the FIR.

6. Considering the peculiar facts and circumstances of the case, custodial interrogation of the Applicant is not necessary. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(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 attend the concerned Police Station on **26th & 27th April, 2017 from 10.00 a.m. to 12.00 noon** and thereafter, as & when called for by the investigating officer till filing of the charge-sheet;

(iii) The Applicant shall not tamper with the evidence 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 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;

(v) The Applicant to cooperate with the conduct of the trial.

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.)