

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

ANTICIPATORY BAIL APPLICATION NO.608 OF 2016

Swapnil Ashok Shinde

.... Applicant

versus

State of Maharashtra

... Respondent

Mr.Ranjeet M. Pawar Advocate for the Applicant.

Mr.Y.M.Nakhwa, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 13th JANUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences under section 376 of IPC in C.R.No. 276 of 2015 of registered on 16/10/2015 at Daund Police Station.

2. It is a case of love affair which resulted into sexual relationship. However, it is alleged by prosecution that her consent was obtained fraudulently on the promise of marriage. She remained pregnant and against her wish, the applicant/accused took her to hospital and got pregnancy terminated. Thereafter, he

tried to avoid her. Hence, she gave complaint.

3. On query it is found that the prosecutrix, at the time of giving complaint, as mentioned in the FIR, was 24 years old. Thus, at the time of incident, as mentioned in FIR, the prosecutrix was approximately 22-13 years old. It is a routine case of love affair which resulted into breakup and where sexual relationship between the boy and girl was established. This court has granted interim bail on 04/04/2016. The main contention to oppose this pre-arrest bail by the prosecution is that after he was granted pre-arrest bail, the applicant/accused had threatened the complainant twice and two cases of non-cognizable offence were registered against applicant/accused that he tried to threaten and pressurize the complainant. The learned counsel for the applicant has submitted that one N.C. was registered on 17/01/2016 at around 09.30 p.m. However, on the same day she filed an application u/s 439 before J.M.F.C.

4. The learned counsel for the applicant/accused submits that such incidents have not taken place though N.C.s have been

recorded.

5. I have perused the FIR, the documents placed herein, so also the application for cancellation of pre-arrest bail, order passed by my learned Predecessor (Coram: A.M. Badar, J.) on 27/06/2016. The Investigating Officer is not present. This Court takes serious note of the fact that though the offence was registered on 16/10/2015, till today the charge-sheet is not filed.

6. In view of this, I am inclined to confirm pre-arrest interim bail with the same terms and conditions with addition that the applicant/accused shall not try to contact and threaten the complainant in any manner and shall not stay in the vicinity till filing of the charge-sheet.

7. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)