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

ANTICIPATORY BAIL APPLICATION NO.657 OF 2017

Milind Shankar Giranje
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr.V.V.Salunke, a/w Mr.Sandeep Phatak, for the Applicant.

Mr.Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.8 of 2017 registered with the Kamshet Police Station, Pune, for the alleged offences punishable under Sections 376 & 420 of the Indian Penal Code.
3. Learned counsel for the Applicant submits that the Applicant had met the prosecutrix sometime in October, 2012 and that the friendship

developed into a love affair. He submitted that the relations between them, were with consent. He further submitted that the prosecutrix has falsely stated that the Applicant on the pretext of getting married to her, established physical relations with her.

4. Learned APP states that even today he has no instructions. On 17th April, 2017, interim protection was granted and time was sought by the learned APP to take instructions and the matter was adjourned to 26th April, 2017. On 26th April, 2017, the Investigating Officer was not present, hence the matter was adjourned today i.e. 27th April, 2017. Even today the Investigating Officer is not present, despite directing him to remain present with the papers of investigation. Hence, no further time is granted.

5. Perused the papers. It appears that the prosecutrix was about 22 years at the relevant time and the applicant about 26 years. It also appears from the perusal of the statement of the prosecutrix that they were in love with each other and that there were physical relations between them from the period between October, 2012 to December, 2016. It appears that

as the applicant failed to marry the prosecutrix, the aforesaid complaint has been lodged.

6. Considering the peculiar facts of this 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 and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.

(iii) 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 trial Court as well as to the

Investigating Officer of the concerned Police Station, in writing;

(iv) The Applicant shall co-operate with the Investigating Agency.

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 are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)