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

ANTICIPATORY BAIL APPLICATION NO.674 OF 2017

Vikashkumar Waman Shelke	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.T.S.Solankar, for the Applicant

Mr.S.H.Yadav, A.P.P for the Respondent-State

Mr.Satyavrat Joshi, for Respondent No.2.

WPSI – Ms.A.T.Suryawanshi, Hinjewadi Police Station, Pune.

***CORAM : REVATI MOHITE DERE, J.
DATE : 10th JULY, 2017***

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 99 of 2017 registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 376 and 420 of the Indian Penal Code.

3. According to the prosecutrix, who is the complainant, aged 27 years, she met the applicant sometime in 2013, since both of them were working in the same company. She has stated that their friendship developed into a love affair. According to the complainant, the applicant left his job and was looking for a new job and hence she was supporting him. She has stated that she would give money to the applicant on the assurance that he will repay the said money back to her. She has stated that as she was in love with the applicant and they were to be married soon she took a loan of Rs.11,15,000/- in her name from various banks like HDFC Bank, ICICI Bank and Kotak Mahindra Bank and gave the money to the applicant from time to time. She has further stated that in November, 2013, the applicant took her to a flat at Hinjawadi and on the pretext of marriage had forcible sexual relations with her. She has stated that when she questioned him about marriage, the applicant disclosed that they would get married soon. She has further stated that thereafter in January, February and June, 2014 the applicant again had forcible sexual relations with her on the pretext of marriage. She has stated that later, when she questioned the applicant about marriage, the applicant refused to get married to her. She has further stated that sometime in August, 2016 the applicant called the

prosecutrix's mother on her mobile and abused her. She has further stated that thereafter the applicant's sister called her on mobile some time in October, 2016 and tried to arrange for a meeting, however, no meeting took place, pursuant to which the aforesaid complaint came to be lodged.

4. Learned Counsel for the applicant submits that the relations between the applicant, aged 30 years and the prosecutrix, aged 27 years where with consent. He relied on certain messages which are at Exhibit 'F' of the application. He further submitted that the applicant had not taken any photographs as is alleged by the complainant.

5. Learned APP does not dispute the fact that the applicant has handed over his laptop and mobile to the Investigating Officer. He also does not dispute the fact, that the applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 19th April, 2017.

6. Learned Counsel for the Respondent No.2, also opposed the application.

7. Perused the papers. Admittedly, the complainant/prosecutrix and the applicant are adults. It appears that since both of them were working in the same company, they became friends and that their friendship developed into a love affair. It also *prima-facie* appears that some amounts were given by the complainant/prosecutrix to the applicant. The applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 19th April, 2017. The applicant has also handed over his laptop and mobile to the Investigating Officer.

8. Learned APP states that nothing incriminating has been found in the applicant's laptop and mobile. It also appears that the applicant has deposited a sum of Rs.11,15,000/-, without prejudice to his rights and contentions, in the Registry of this Court in 3 installments i.e. 2 installments of Rs.4 lakhs and 3rd installment of Rs.3,15,000/-.

9. Learned Counsel for the Respondent No.2 seeks permission to withdraw the said amounts deposited by the applicant in the Registry of this Court. The same is opposed to by the learned counsel for the applicant.

10. In the peculiar facts of this case, custodial interrogation of the applicant is not required. 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.50,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

11. Registry to invest the aforesaid amount of Rs.11,15,000/- deposited by the applicant in a Fixed Deposit of a nationalized Bank initially for a period of one year and which may be renewed from time to time. The trial Court shall pass appropriate orders on the said amount at the conclusion of the trial.

12. The Application is allowed in the aforesaid terms and is accordingly disposed of.
13. It is made clear that the observations made herein are prima facie and are confined to this application.
14. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)