

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 908 of 2017

Vijay Narayan Bharti

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nitin Patil, for the applicant.

Smt. J. S. Lohokare, APP for the respondent-State.

PSI V. J. Dorugade, Powai Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 12 JUNE 2017

P.C. :

1. The applicant is apprehending arrest in connection with C.R. No.72 of 2017 registered with Powai police Station for the offences punishable under sections 376, 376(2) (n) and 417 of IPC.

2. It is the prosecution case that the complainant who is aged 21 years, is an interior designer. She came into contact with the applicant / accused in the year 2015 and both became friendly. On 13 December, 2015, the applicant invited the victim for celebration of his birthday. Thereafter, she spent money on giving gifts to the applicant. He promised her of marriage. The applicant had sexual

intercourse with the victim.

3. Learned advocate for the applicant submitted that reading the FIR as it is, the alleged act attributed to the applicant was admittedly consents shown and therefore no offence under section 376 is made out. He submitted that the complainant victim was aged of 21 years and therefore she was in position to understand the nature of the relationship between both of them.

4. This Court by order dated 19 May, 2017 granted interim protection to the applicant. The applicant was directed to furnish permanent address of his residence to the investigating officer and was also directed to report to concerned police station.

5. Learned advocate for the applicant submitted that the accused has complied with directions issued by this Court in the interim protection order dated 19 May, 2017.

6. Learned APP submitted that the medical examination of the applicant was conducted and his statement is also recorded.

7. Taking into consideration the aforesaid circumstances, I am inclined to confirm the interim protection granted by this Court.

8. Hence I pass the following order.

:: ORDER ::

- (i) Anticipatory Bail Application no.908 of 2017 is allowed.
- (ii) Interim protection granted vide order dated 19 May, 2017 is hereby confirmed.
- (iii) The applicant shall report to Powai Police Station, Mumbai once in a week on every Saturday between 5.00 to 7.00 pm till further orders.
- (iv) Application is disposed of.

[PRAKASH D. NAIK, J.]