

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1022 OF 2017**

Nivrutti Arjun Khairnar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.B.Chandan, Advocate, for the Applicant
Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-250 of 2016 registered with the Vishrantwadi Police Station, Pune, for the alleged offence punishable under Section 376 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant is about 25 years of

age and the Complainant is also around 25 years of age. He submitted that it is a case of love affair and that the relations were by consent. He submits that the allegations pertain to the year 2014, when the Complainant met the Applicant and their friendship turned into a love affair. He submits that it is now the Complainant's allegation, that the Applicant, on the assurance that he would marry her, had established physical relations with her and as such, has cheated her.

4. Learned APP opposes the Application. Learned APP does not dispute the fact, that the Applicant has reported to the investigating officer as directed by this Court vide Order dated 16.06.2017. It appears that the Applicant and the Complainant were around 25 years of age at the relevant time. It also appears that the allegations pertain to the year 2014, when the Complainant met the Applicant and their

friendship turned into a love affair. It is the Complainant's allegation, that as the Applicant assured to marry her, she established physical relations with him and as such, he has cheated her.

5. Considering the nature of allegations and in the peculiar facts & circumstances of the 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 & 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.15,000/- with one or two sureties in the like amount;

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

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. 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.)