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

ANTICIPATORY BAIL APPLICATION NO.1148 OF 2017

Samadhan Subhash Shelar	...Applicant
Versus	
The Senior Inspector of Police and Anr.	...Respondents

Mr.M.R.Joshi, for the Applicant

Ms.Anamika Malhotra, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th 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. 47 of 2017 registered with the Chavni Police Station, Malegaon (now transferred to Vadner Khakurdi Police Station, Malegaon, Nashik), for the alleged offences punishable under Sections 376, 420 and 506 of the Indian Penal Code .

3. Learned Counsel for the applicant states that the applicant and the prosecutrix/complainant are related inasmuch as, the prosecutrix/complainant is the daughter of the maternal uncle of the applicant. He submits that the applicant is 27 years and the prosecutrix/complainant is 23 years of age, as on date. He submits that the applicant and the prosecutrix/complainant were in a relationship, since 2012. He submitted that the relations between the parties were with consent. He submitted that the prosecutrix/complainant had travelled with the applicant to several places and that the relationship was consensual. He submitted that as the applicant refused to marry the prosecutrix/complainant, the aforesaid complaint was been lodged.

4. Perused the papers. Admittedly, both the prosecutrix/complainant and the applicant are related and were adults at the relevant time. It appears that there was a love affair between the applicant and the prosecutrix/complainant, since 2012. According to the prosecutrix/complainant, she had relations with the applicant as he had promised to marry her. A perusal of the statement of the prosecutrix/complainant shows that from 2012 to 2017, she was visiting

and going around with the applicant. The prosecutrix/complainant has alleged that she established physical relations with the applicant, only on the assurance that the applicant was going to marry her.

5. In the peculiar facts of this case, custodial interrogation of the applicant is not necessary. The application is accordingly 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 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 are confined to this application.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)