

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1366 OF 2017

Sachin Bhimrao Sapkale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajesh Jadhav for the applicant.

Smt. Veera Shinde, APP for the respondent – State.

PSI Swati Petkar, Control Room Ulhasnagar present.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st AUGUST, 2017

P.C. :

1. This is an application for anticipatory bail in connection with C.R. No.I-185 of 2017 registered with Central Police Station, Ulhasnagar for the offense punishable under sections 376(2), 323, 504 and 505 of IPC.

2. The case of the complainant is that she is a married lady and having two children. The husband of the complainant has expired in 2010. The applicant / accused no.1 is relative of complainant and accused no.2 is wife of accused no.1. The informant had visited house of applicant as wife of applicant was pregnant and she resided there

for a period about 15 days. The complainant and the accused had physical relationship. They had intimate relationship. They had sexual relationship on several occasions during the period from 2013 to 2016. FIR was lodged on 11th July, 2017.

3. Learned advocate for the applicant submitted that it was consensual relationship. The complainant is the married lady and the FIR was lodged belately. It is submitted that from the tenor of the FIR, it appears that the complainant had consented for the relationship. The physical relationship had continued for a period about three years.

4. Learned APP submitted that the complainant had attributed the role to the applicant having forceful physical relationship with complainant. It is further submitted that the applicant had taken undue advantage of the situation and sexually assaulted the complainant.

5. Perused the documents on record. Apparently, it appears that the sexual relationship had continued for a period of about three years. Considering the fact as alleged in the complaint, the case for

anticipatory bail is made out, as there is no necessity of custodial interrogation. Hence, I pass following order;

:: ORDER ::

- (i) Anticipatory Bail Application No.1366 of 2017 is allowed.
- (ii) In the event of arrest of the applicant in connection with C.R. No.I-185 of 2017 registered with Central Police Station, Ulhasnagar, the applicant may be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Twenty Five Thousand only.) with one or more sureties in the like amount
- (iii) The applicant is directed to report to the concerned police station once in a month on the first Saturday of the month between 11.00 am to 1.00 pm till further orders.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]