

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1634 OF 2016
WITH
CRIMINAL APPLICATION NO. 884 OF 2016

Mr. Mukesh Purushottam Patel Applicant

Versus

State of Maharashtra Respondent
through Dindoshi Police Station.

Mr. Rajkumar N. Bhawsar for Applicant.
Mrs. P. P. Shinde, APP for Respondent/State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 24TH JANUARY, 2017.

P.C.

. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No. 653 of 2016 registered at Dindoshi Police Station for offences punishable under Section 376, 420 of Indian Penal Code. The applicant was granted interim protection by this court vide order dated 29th September, 2016. The First Information Report was lodged on 22nd August, 2016.

2. It is the case of the prosecution that the first informant has lodged the report at the police station alleging therein that she had been cheated by the applicant. It is alleged that the complainant had got acquainted with the applicant on the social media "Face Book". They had met each other. That the applicant had proposed to her. The complainant was a married woman. According to the complainant, he had sexual intercourse with her under the pretext of marriage. It is a matter of record that the applicant was in a live in relationship with the complainant. They had also executed an agreement on 5th August, 2016, which is a notarized document. The agreement is dated 5th August, 2016. The present applicant had informed the Senior Inspector of Police that he has been victimized at the hands of complainant and Vinod Jain. It is alleged that the husband of the complainant had taken up her phone. They had also agreed to take divorce by mutual consent. The learned counsel for the applicant submits that no case under section 376 of Indian Penal Code is made out, since they were in a live in relationship and agreement was entered into by both the parties.

3. Taking into consideration the material collected in the course of investigation, the allegations levelled against the applicant and the submissions made across the bar, the interim relief granted by this court on 29th September, 2016 deserves to be confirmed on the same terms and conditions. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) The order dated 29th September, 2016 is confirmed.
- (iii) In the event of arrest, the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount.
- (iv) The applicant shall report to the Police Station as and when called after issuing notice under Section 160 of Cr.P.C.

(SMT. SADHANA S. JADHAV, J.)