

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2051 OF 2016

Ajinkya Shivaji Chumble	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

**WITH
CRIMINAL APPLICATION No. 1038 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 2051 OF 2016**

Ms. Preeti Madhav Rayte	...	Intervener
in the matter between		
Ajinkya Shivaji Chumble	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket U. Nikam, Advocate for the applicant.
Mrs. Rutuja Ambekar, APP for the respondent/State.
Mr. Tushar N. Sonawane, Advocate for the intervener.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th January, 2017.**

P.C.:

This Application is moved by the applicant/accused for pre-arrest bail, as he is apprehending arrest in C.R. No. I-336 of 2016 registered with Indiranagar Police Station, Nashik for the offences punishable under sections 376(1), 313, 506 of the Indian Penal Code.

2. The prosecutrix at the time of giving complaint on 17th November, 2016 was 25 years old. It is her case that she studied upto 12th Standard. In the year 2002 she got married and thereafter she took divorce. Now

she is working in print media. She came across applicant/accused on Facebook in March 2013. He was a friend of her maternal brother. They became friendly and fell in love. In August 2013 applicant/accused called her in one hotel at Nashik. He promised that he would marry her and had sexual intercourse with her. Thereafter in different hotels and at many times, applicant/accused had sexual intercourse with her. In 2015 she remained pregnant from the applicant/accused, so she asked him about the marriage but at that time, applicant told her that he could not marry and asked her to go for Medical Termination of Pregnancy. So on 21st February, 2015 she got her pregnancy terminated. Then they last met in Hotel Express Inn on 28th April, 2016. Thereafter in July, 2016 applicant started avoiding her. On 14th November 2016 she realized that applicant/accused had cheated her and was going to marry some other girl. When she questioned him, he told her that he wanted to marry another girl and she was his only time pass. He threatened her that he would circulate her photos and videos in internet and defame her. Thus, she was cheated by applicant/accused and was compelled to go for medical termination of pregnancy, so she gave complaint against the applicant/accused.

3. The learned counsel for the applicant/accused has submitted that the relationship was consensual and at that time the complainant was major. The applicant/accused has not committed any offence. Hence, the

applicant be granted anticipatory bail.

4. The learned APP and learned counsel for the complainant both opposed this Application for Anticipatory bail. It is submitted that the complainant was cheated and she was forced to go for medical termination of pregnancy. She was also threatened that he would defame her by circulating the photographs and video and thus, this is not the case where the accused be granted pre-arrest bail.

5. Perused the complaint and considered the facts of the case. The complainant has passed 12 Standard and she has been working in print media. She was divorcee when she fell in love with applicant/accused. At this stage, I rely on the following cases decided by this Court on identical issue-

(i) Anticipatory Bail Application No. 2221 of 2016 dated 9th January, 2017 in the case of Akshay Manoj Jaisinghani vs. State of Maharashtra.

(ii) Anticipatory Bail Application No. 27 of 2014 dated 12th March, 2014 in the case of Mahesh Balkrishna Dandane vs. State of Maharashtra.

Thus, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not contact, harass or threaten the complainant.
- (iv) The applicant shall not indulge into any criminal activity.
- (v) The applicant shall attend the concerned police station as and when called by the Investigating Agency.

6. The Application for Anticipatory bail stands disposed of on above terms.

7. Criminal Application No. 1038 of 2016 is also accordingly disposed of.

(MRIDULA BHATKAR, J.)