

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 295 OF 2018**

Sandeep Sundarrao Patil
v/s.

..Applicant

The State of Maharashtra .

..Respondents

Mr. Sagar Tambe I/b. Ritesh Thobde for the Applicant.
Mr. S.S.Pednekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 21, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.544 of 2017 registered at Barshi City Police Station for offences under Section 313, 323, 376, 504, 506 r/w. 34 of IPC.
2. Heard Mr. Tambe, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.
3. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. A perusal of the FIR prima facie reveals that the

prosecutrix was 26 years of age and she was already married. She had developed friendly relationship with the applicant herein. The first information report prima facie reveals that the prosecutrix had indulged in sexual relationship with the applicant since January 2015. The first informant has stated that the applicant had pressurized her to terminate pregnancy. The records reveal that even after the alleged termination of pregnancy, the prosecutrix had continued the relationship with the applicant till the year 2017. The prosecutrix has alleged that the applicant had sexual relationship with her with assurance to marry her. It is to be noted that the applicant was already married and the marriage was not dissolved till the date of filing of the FIR.

4. The FIR indicates that the applicant had subsequently refused to marry the first informant and this had led to filing of the FIR. The FIR prima facie reveals that the relationship was consensus and hence, prima facie, the allegations in the FIR do not constitute offence Section 376 of IPC. Furthermore, the applicant was granted interim bail by order dated 26th February, 2018. One of the conditions of interim bail was to report to the Investigating Officer.

It is stated that the applicant has already complied with the said condition and hence the presence of the applicant is not required for the purpose of interrogation or investigation. The applicant is a permanent resident of Wakadi, Osmanabad and there are no chances of his absconding or thwarting the course of justice.

5. In the light of above, the application is granted on following terms and conditions:-

- (i) In the event of arrest of the applicant in Crime No.C.R.No.544 of 2017 registered at Barshi City Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The applicant shall not interfere with the complainant and the other witnesses in any manner.
- (iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)