

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 191 OF 2018

Jaikumar Onkarprasad Vishwakarma. .. Applicant.
Vs.
The State of Maharashtra. .. Respondent.

Mr. Jaideep Lele, for the Applicant.
Mr. R. M. pethe, APP for the Respondent.
Mr. V. S. Mali, PSI.

CORAM : P. N. DESHMUKH, J.

DATE : 23rd APRIL, 2018.

P. C. :

1. Heard learned counsel for applicant and learned APP. Perused case diary. This application is for anticipatory bail in crime No. 274/2017 registered with Bhosari MIDC Police Station, District Pune for the offence under Section 376 of Indian Penal Code. Applicant is protected by ad-interim order dated 1st February, 2018 from his arrest.

2. Learned counsel for applicant submitted that complainant who was willingly and as per her wish was in live in relation with the applicant since 2008 to 2017, after applicant married with some other girl, lodged false report against him upon which offence as aforesaid came to be registered and has therefore, submitted that no custodial

interrogation of applicant is necessary and prays that application be allowed. Learned APP on instructions made a statement that the investigation is nearing to completion.

3. It appears the case of prosecution that, report is lodged against the applicant on 24th September, 2017 alleging that in the year 2008 prosecutrix met applicant through their common friend and on their getting acquainted with each other, they started residing together. From 2008 till 6th June, 2017 there were frequent meetings between the prosecutrix and applicant with interval of four months in between, during which they had indulged into physical relations. It is the case of complainant that she had submitted to applicant on his assurance to marry her. Learned counsel for applicant submits that it appears to be the case of applicant that on 12th July, 2016 the marriage between applicant and prosecutrix was scheduled but it could not be materialized as prosecutrix's parents were not willing for the same. The marriage thereafter, was scheduled on 2nd February, 2017 but again could not be materialized. In the background of above, applicant has thereafter got married with some other girl. It is thus, found that it is only after the applicant's marriage as above, report came to be lodged against him alleging offence of rape.

4. In view of facts as aforesaid, interim protection granted is liable to be confirmed as per order below;

ORDER

- (i) Interim order dated 1st February, 2018 stands confirmed on same terms and conditions, except for direction to applicant to further attend the investigating officer as and when called.
- (ii) Application is disposed of as allowed in above terms.

[P. N. DESHMUKH , J.]