

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 296 OF 2018

Shrikant Suresh Mogare	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Hrishikesh Mundargi, i/b Mr. Jayant Bardeskar, for the
Applicant.
Ms. J. S. Lohokare, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 11th JUNE, 2018

PC:-

1. By an order dated 16th February, 2018, the applicant was granted interim relief.

Heard the learned Counsel for the applicant and the learned APP. Perused the record.

2. As noted in the order dated 16th February, 2018, the physical relations between the applicant and the first informant were continued from 16th May, 2016 to 8th August, 2017 and it is on the event that the applicant resiled from promise of marriage and in the premise, the First Information

Report ("FIR", for short) is lodged. The perusal of FIR would reveal that when the younger sister of the first informant was at her home, the applicant, between 15th December, 2016 to 20th December, 2016 in the night had been to her house and had physical relations with the first informant. That on 8th August, 2017, the younger sister of the first informant woke up at about 1 am and she saw the applicant in their house. It is thereafter the present crime is registered mentioning the aforesaid fact of breach of promise of marriage. *Prima facie* it appears that the relations between the first informant and the applicant was a consensual act between them.

In view thereof interim relief granted by an order dated 16th February, 2018, is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

3. Application is allowed in aforesaid terms.

[A. S. GADKARI, J.]