

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 334 OF 2018**

Ameet Satish Wagh

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Niranjan Mundargi i/by P.A. Bhangale for the Applicant.
Smt. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th JUNE, 2018.

P.C.:-

By an order dated 22nd February 2018, this Court granted interim relief to the Applicant and he was directed to attend the Investigating Officer on stipulated dates to join the process of investigation.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record.

3 A bare perusal of the first information report would indicate that the Applicant by giving promise to marry with the first informant, established physical relations with her from April 2012 to April 2017 and subsequently resiled from the said promise. The first

informant, prosecutrix is aged about 32 years on the date of lodgment of the first information report.

4 After perusing the FIR and other record, prima facie it appears that the relations between the prosecutrix and the Applicant was a consensual act between two adult persons. In view thereof, it is prima facie difficult to accept the application of Section 376 of the IPC in the present crime.

5 In view of above, the Applicant is entitled to be protected by pre-arrest bail.

Interim relief granted by this Court on 22nd February 2018, is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)