

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO.419 OF 2018

Raosaheb Baburao Mali

..Applicant

Vs.

The State of Maharashtra

..Respondent.

Mr.Raviraj Rajaram Parmane, for the applicant.

Mr.Vinod Chate, APP for the State.

CORAM : P. N. DESHMUKH, J.

DATE : 11TH APRIL, 2018.

P. C. :

1. Applicant involved in crime No. I-07/2018 registered with Chhawani Police Station, Malegaon, Nashik for offence under Section 420, 494, 376, 465, 468, 504, 506 of IPC has sought anticipatory bail. Applicant is protected by interim order of this Court dated 6th March, 2018. Thereafter, on 21st March, 2018 learned APP on instructions from investigating officer made a statement that charge-sheet in this crime shall be filed before the competent Court by end of April, 2018. Matter was thereafter, adjourned for today. Today, investigating officer is not present.

2. Perusal of report reveals that complainant who is a divorcee, some time in 2015 met applicant who is alleged to have

informed her that he can arrange for some job and for that purpose took complainant's mobile number. 2/3 days after the first meeting, applicant met complainant at Malegaon Bus Stand and took her to his house where he alleged to have sexually assaulted her and thereafter, continued physical relations from time to time for a period of one year due to which complainant was behind applicant to marry her which marriage he performed in some temple in the month of February, 2016 and continued staying with complainant in a rented premises at Malegaon. Report further reveals that about one year thereafter, applicant under the influence of liquor invited quarrel with complainant and informed that he was already married having one son and drove complainant out of his house which fact was confirmed by complainant when she learnt that applicant is already married, he made monetary demand from complainant saying that on her fulling demand of Rs.10 lakhs, he will take divorce from his first wife.

3. From report it is therefore, found that complainant had indulged into physical relations with applicant by her consent who even otherwise is earlier married. Except for these contents of report of applicant's sexually exploiting her on the pretext of marriage or of providing her job, nothing could be found on record as inspite of sufficient time granted to prosecution, no steps are taken and even investigating officer is not interested in apposing the application and

(10) aba-419-18

even otherwise considering the contents of report, application is liable to be allowed as per order below. ;

ORDER

(i) Interim protection granted to applicant by order dated 6th March, 2018 stands confirmed with direction to further attend investigating officer if called till filing of charge-sheet if not filed till today.

[P. N. DESHMUKH , J.]