

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 717 OF 2018

Rahul Parmanand Gupta	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Shital Pande, for the Applicant.
Smt. Rutuja Ambekar, APP for the State/Respondent.

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

PC:-

1. By an order dated 18th April, 2018 the Applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates. Heard the learned Counsel for the Applicant and the learned APP. Perused the record of investigation.
2. The prosecutrix in the present crime is aged about 29 years and the applicant is aged about 27 years. The prosecution case in brief is that the applicant got acquainted with the prosecutrix on social media namely "Facebook". Their acquaintance resulted into friendship.

That the applicant by giving promise to marry to the first informant, established physical relationship with her. The said relations were continued from September-2017 to February-2018. That subsequently the applicant resiled from the promise of marriage and in the premise the present First Information Report ("FIR", for short) is lodged.

3. A bare perusal of the FIR and other material available on record would indicate that the act as contemplated under Section 376 of Indian Penal Code by the applicant was a consensual act between two adult persons. It is only when the applicant committed breach of promise of marriage, present crime is registered. The record indicates that the applicant has complied with the condition to report to the Investigating Officer of the concerned police station and has joined the process of investigation as per Order dated 18th April, 2018.

4. In view thereof, the applicant is entitled to be protected by the pre-arrest bail.

Interim relief granted by an order dated 18th April, 2018, is hereby confirmed. However the condition to attend

the Investigating Officer of the concerned police station is waived.

5. The Application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]