

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

ANTICIPATORY BAIL APPLICATION No. 802 OF 2018

Sanjay Durganath Sali

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Patil Sanjay Shivajirao for Applicant

Mr. S.R. Agarkar -APP

Ms. Shweta C. Shinde, PSI, Samarth Police Station, Pune.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 26, 2018

P.C.

1. Heard. This is an application filed under section 438 of the Criminal Procedure Code.
2. The Applicant herein is apprehending his arrest in Crime No. 51 of 2018 registered at Samarth Police Station for the offence punishable under section 376, 417 and 420 of the Indian Penal Code.
3. It is the case of the prosecution that on 6th March, 2018, Ms. 'X' lodged a report at the police station alleging therein that on 24th April, 2016, she had

been to Ahmednagar to attend the marriage of one of the relatives, the present Applicant also attended the said marriage. They had met in the said marriage and had exchanged the cell phone numbers. That almost four months they were contacting each other on the cell phone. Thereafter, Ms. 'X' had visited Ahmednagar on several occasions to meet her relatives and also met the present Applicant. They had physical contacts. The Applicant had assured her that he would marry to her and hence she obliged. On several occasions, they had consensual sex. Whenever, she asked as to when he would marry her, he evaded to answer. Thereafter he had refused to marry her. He had informed her not to call him.

4. Prima facie, it appears that the Applicant and the prosecutrix were in love. They had consensual sex. She is a major girl. Prima facie, it appears that there is a breach of promise to marry and, hence, the prosecutrix had lodged the First Information Report.

5. Taking into consideration the recital of the facts and submissions advanced across the bar and papers of investigation, this Court is of the opinion that the Applicant deserves to be granted pre-arrest bail. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond of Rs.25,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall report to the concerned police station, as and when called.

Anticipatory bail application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]