

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

ANTICIPATORY BAIL APPLICATION NO.813 OF 2018

Ashok Shivaji Ankushkar ... Applicant
V/s.
State of Maharashtra ... Respondent

Mr.Sumant Deshpande with Mr.Satyavrat Joshi for the Applicant.
Mr.N.B.Patil, APP for the Respondent/State.
Ms.Anuradha Bhosale, API Chaturshringi Police Station present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : SEPTEMBER 18, 2018.**

P.C.:

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.122 of 2018 registered with Chaturshringi Police Station for the offence punishable under Section 376 of IPC.

2. Heard Mr.Sumant Deshpande, learned counsel for the applicant and Mr.N.B.Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first

information report lodged by the prosecutrix. Perusal of the first information report reveals that the prosecutrix is about 30 years of age and is a divorcee with a child of 8 years. The first information report reveals that the prosecutrix was in love with the applicant even prior to her marriage and that she had continued the relationship with the applicant even after her marriage. She was infact in live-in-relationship with the applicant since 2010 and she had obtained divorce in the year 2015.

4. The first informant claims that the applicant had promised to marry her. She claims that applicant had forced her to terminate pregnancy. The first information report prima facie reveals that even after termination of pregnancy the applicant had continued to live with the applicant. The first information report prima facie reveals that the relationship was consensual, and FIR was lodged only when the applicant married another girl. Furthermore, the investigation is completed, charge-sheet is filed. Hence, the presence of the applicant is not required for interrogation, much less custodial interrogation.

5. Considering the above facts and particularly, the nature of allegations, in my considered view, this is a fit case for grant of pre-arrest bail. Hence, the order.

ORDER

- (a) Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the applicant in Crime No.122 of 2018, he shall be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount.
- (c) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigating Officer.
- (d) The applicant shall not change his residential address without prior intimation to the Investigating Officer.
- (e) The applicant shall not interfere with the witnesses or tamper with evidence in any manner.

(SMT. ANUJA PRABHUDESSAI,J.)

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Priya
Rajesh
Soparkar

Digitally signed by
Priya Rajesh
Soparkar
Date: 2018.09.25
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