

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

ANTICIPATORY BAIL APPLICATION No. 833 OF 2018

Deepak Sadashiv Nakalje

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Shirish Gupte, Senior Counsel i/b. Mr. Satyam H. Nimbalkar for Applicant

Mr. S.R. Agarkar -APP

Mr. Sunil Gurav -PSI, Panvel Taluka Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 26, 2018

P.C.

1. Heard. This is an application under section 438 of the Criminal Procedure Code.

2. The Applicant is apprehending his arrest in Crime No. 2 of 2018 registered at Pavel Taluka Police Station for the offence punishable under Section 376, 313, 354(A), 420, 323, 406 of the Indian Penal Code.

3. It is the case of the prosecution that on 18th March, 2018⁷, Ms. 'X', who is about more than 27 years, lodged a report at the police station alleging therein

that earlier she was residing in Mumbai. In the year 2014, she had met a social worker Raju Waghmare . Thereafter she was introduced to the present Applicant, who also claimed to a social worker. That she had visited the house of the present Applicant on several occasions as he would help her in the course of pursuing her education. He had given her financial aid for her studies. It is alleged that the Applicant is a married man . He had informed the First Informant that his wife is only his responsibility and there were no physical relation between them and that he intends to divorce her and also he would marry her and on that pretext, there was consensual sex on several occasions. It is alleged that subsequently, he was insisting upon the first informant to marry to some other person. The prosecutrix was almost in a live-in relationship with the Applicant. Prima facie it appears that there is a breach of promise to marry.

4. In view of this the order dated 24th April, 2018 deserves to be confirmed. 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) The application is allowed.
- (ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond of Rs.50,000/- and one or more sureties in the like amount.

- (iii) The Applicant shall report to the concerned police station and shall co-operate with the investigating agency as and when called.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]