

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 865 OF 2017

Rohit Chatur Singh Rajavat

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. A. Karim Khan Pathan for the Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

Mr. Sarvajit B. Patil for Original Complainant.

CORAM : A.S.GADKARI, J.

DATE : 4th JANUARY 2018.

P.C.:

1] By a reasoned Order dated 11.05.2017 the applicant was granted interim relief with a direction to attend the Investigating Officer on stipulated dates and to join the process of investigation.

2] Heard the learned Counsel for the applicant, the learned Counsel for the original Complainant and the learned APP. Perused the record and papers of investigation.

3] The first information report is lodged by Ms. Ayushi Sharma,

aged about 26 years on 1.4.2017. The prosecution case in nutshell is that, the first informant and the applicant were in living in live-in-relationship from October 2011 till June 2016. During the said period of live-in-relationship, the first informant had established physical relationship with the applicant. During the period of live-in-relationship, the first informant got pregnant and therefore the applicant forced the first informant to perform the medical termination of pregnancy. That subsequently the applicant resiled from his promise to marry with the first informant. It is alleged that the applicant on one pretext or another also induced the first informant to part with substantial amount.

4] After taking into consideration the first information report and other statements, *prima facie* it appears that the alleged act, as contemplated under Section 376(2)(n) of I.P.C. was a consensual act between the two adult persons. The record further indicates that, the first informant has signed the documents pertaining to her medical termination of pregnancy at her own will. After taking into consideration the peculiar facts of the present case, this Court is of the view that the applicant deserves to be protected by pre-arrest bail.

5] In view thereof, the interim relief granted by an Order dated 11th May 2017 is confirmed.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)