

67-ABA 987 of 2018
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 987 OF 2018

Priyranjan Balraj Vallal

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vikrant V. Phatate for Applicant

Mr. Vinod Chate -APP for the State

Mr. C.S. Lohakare, PSI Faraskhana Police Station, Pune

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE, 4, 2018

P.C.

1. Heard. This is an application filed under section 438 of the Code of Civil Procedure Code. The Applicant herein is apprehending his arrest in Crime No. 48 of 2018 registered with Farskhana Police Station, Pune for an offence punishable under section 376, 504 of the Indian Penal Code.

2. It is the case of the prosecution that on 1st March, 2018, the prosecutrix, who is an original resident of Solapur, lodged a report to the Farskhana Police Station alleging that she was working with DBS Pvt. Ltd. at Pune. The Applicant is also an original resident of Solapur and was working in a private company at Pune and they were residing in the same vicinity. In Pune also,

they were residing in nearby vicinity. According to the prosecutrix in April, 2016, the Applicant herein had contacted the prosecutrix on telephone and requested her to meet him. She was obliged and got acquainted with each other. It is alleged that the Applicant had promised to marry her and on that assurance, there was consensual sex. According to the prosecutrix, she had time and again inquired with the Applicant that when he would marry with her and at that time he had declined to marry with the prosecutrix. It is submitted that the parents of the prosecutrix also met the applicant and gave a proposal of marriage and at that time, the family as well as the Applicant had refused the proposal. In these circumstances, according to the prosecutrix, she was constrained to lodge a report.

3. Perused the papers of investigation. The prosecutrix is more than 26 years' old. There is nothing on record to indicate that the prosecutrix was not a consenting party. Prima facie, it appears that, when the relations had got strained, the Applicant had refused to marry with her. It appears that there is a breach of promise to marry.

4. In the above mentioned facts, the custodial interrogation would not be justified and therefore, the Applicant is entitled for grant of anticipatory bail. It is made clear that the observations made hereinabove are restricted only for

grant of anticipatory bail under section 438 of Cr.P.C. and shall not be taken into consideration while deciding the application for quashing the FIR or discharge. Hence, the following order:

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In the event of arrest, the application be enlarged on on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall report to the Farskhana Police Station from 8th to 12th June, 2018 every day between 10.30 a.m. and 2.30 p.m. and cooperate with the investigating agency.

Criminal application for anticipatory bail is disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]