

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

ANTICIPATORY BAIL APPLICATION NO. 1122 OF 2018

Maheshkumar Sambhaji KhandreApplicant

V/s.

The State of MaharashtraRespondent

Mr. Ajinkya J. Jaibhave for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 09th OCTOBER, 2018.

P.C.:

. This is an application for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending his arrest in C.R.No.111/2018 registered with Vimantal (Airport) Police Station, District Pune for offences punishable under sections 376, 323, 504 of the Indian Penal Code.

2. Heard Mr. Ajinkya J. Jaibhave, learned counsel for the applicant. He submits that the first information report does not prima facie disclose the essential ingredients of offence under section 376 of the Indian Penal Code. He submits that the first information report is lodged only because the applicant had refused to marry the prosecutrix. Mr. S.S. Pednekar, learned APP submits that the applicant has not co-operated with the investigation and hence, does not deserve

pre-arrest bail.

3. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the first information report lodged by the prosecutrix who is 25 years old girl. A perusal of the first information report prima facie reveals that the applicant and the prosecutrix were “facebook friends” since 2008. They met each other in the year 2013 and from the year 2013 to 2016 they have been having sexual relationship. The first information report prima facie reveals that the relationship between the applicant and the prosecutrix was consensual. The first information report has been lodged only when the applicant refused to marry her. In my considered view, the allegations levelled in the first information report do not prima facie constitute an offence under section 375 of the Indian Penal Code. Hence, this is not a case which would justify custodial interrogation. The applicant is a permanent resident of Nanded. Hence, there are no chances of the applicant absconding and/or thwarting the course of justice. The applicant has no criminal antecedents. Considering the above facts and circumstances, the applicant is entitled for pre-arrest bail. Hence, the Application is

allowed on following terms and conditions :-

- (a) In the event of arrest of the applicant in C.R.No.111/2018 registered with Vimantal (Airport) Police Station, District Pune, he shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (b) The applicant shall remain present before the Investigation Officer from 15/10/2018 for a period of three days between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.
- (c) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.
- (d) The applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (e) The applicant shall not interfere with the complainant or other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)