

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

ANTICIPATORY BAIL APPLICATION NO.1544 OF 2018

Ashutosh Ananda Rane Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Rajesh Arvind More for the Applicant.
Mr. Prashant Jadhav APP for the State.
Mr. S.B. Bhagwat, PN, Dehu Road Police Station, Pune (R).

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 2nd August 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.340 of 2018, registered at Dehu Road Police Station, for the offences punishable under Sections 376(2), 376 and 417 of the Indian Penal Code.

3 The prosecution case is that the complainant happens to

be the close relative of the applicant. On 28th May 2018 the first informant lodged a report at Dehu Road Police Station alleging therein that the applicant is serving with Marvell Semiconductor, Yerwada, Pune, whereas, the first informant is working in a Pharmaceutical Company in the Marketing Department. The applicant happens to be the cousin of the father of the first informant. That the applicant had proposed her for marriage. She had consented. Though their relatives had opposed the said marriage, they were in touch with each other. The first informant was staying with the applicant. They were almost residing as husband and wife. The applicant had to go to United States of America as he was deputed by his Company. According to the first informant he was in touch with her. After he returned in December 2017, she had insisted upon him to get married, however, he denied to get married to her and therefore the First Information Report. The first informant was taken to the doctor. She had consensual sex with the applicant on several occasions as she believed that she was to get married with him.

4 In the circumstances, the learned counsel for the applicant submits that the applicant could at the most be prosecuted for offence punishable under Section 417 of the Indian Penal Code and not under Section 376 of the Indian Penal Code.

5 In view of the facts mentioned above, the applicant deserves pre-arrest bail. It is made clear that the observations are restricted to an application under Section 438 of the Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of First Information Report, discharge application or at the time of trial. Hence, the following order :

O R D E R

i) By way of ad-interim relief, in the event of arrest, the applicant be enlarged on bail on furnishing P.R. bond of Rs.50,000/- with one or two solvent sureties in the like amount.

ii) The applicant shall report to the concerned police station as and when called.

iii) Application is allowed in above terms and disposed off.

(*Smt. Sadhana S. Jadhav*, J)