

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1865 of 2018.

Shailesh Nathusingh Rajput.	..Applicant.
Vs	
State of Maharashtra.	..Respondent.

Mr. Vikas B. Shivarkar, for the Applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. M.T.Shinde, P.S.I. Sangavi Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 11TH SEPTEMBER, 2018

P.C:-

1) This is an application under Section 438 of Criminal Procedure Code, filed by the aforesaid applicant for pre-arrest bail apprehending his arrest in C.R.No. 139 of 2018 registered at Sangavi Police Station, for offences punishable under sections 376, 313, 323, 504, and 506 read with section 34 of the Indian Penal Code.

2) Heard Mr. Shivarkar, learned counsel for the applicant and Mr. Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3) The aforesaid crime was registered pursuant to the first information report lodged by the prosecutrix who is 35

years old married lady. A perusal of the first information report prima facie reveals that the applicant as well as the prosecutrix were known to each other. Both were married and both had consensual physical relationship. Though the first informant had stated that the applicant had forced her to terminate the pregnancy on 8/5/2017, the first information report prima facie reveals that even after the said alleged termination she had continued to have sexual relationship with the applicant.

4) The record prima facie reveals that the relationship was consensual.

5) Considering the above facts and circumstances, in my considered view, this is a fit case for grant of anticipatory bail. Hence, the following order :

(i) Application is allowed.

(ii) In the event of arrest in Crime No. 139 of 2018 registered with Sangavi Police Station, Pune, the applicant be released on bail on furnishing bail bonds of Rs. 25,000/- with one or two solvent sureties in the like amount to the satisfaction of the concerned Investigating Officer.

(iii) The applicant shall report to the Investigating Officer as and when required and called by the Investigating Officer.

- (iv) The applicant shall furnish his permanent and temporary addresses, if any, and his contact details to the Investigation Officer.
 - (v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.
 - (vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.
- 6) Application is disposed of in the aforesaid terms.

(SMT. ANUJA PRABHUDESSAI, J.)