

person. However, the applicant had allegedly kept on messaging her. Thereafter, both of them went for a movie and on 22nd September 2018, the applicant alleged to have committed an act reflected in the FIR whereby the complainant was sexually assaulted in the Cinema Theater. Thereafter, accused started avoiding her. The FIR was lodged on 2nd November 2018.

3 The learned Counsel for the applicant submits that the factual matrix reflected in the FIR itself indicates that the complainant had accompanied the applicant/accused voluntarily. It was a consensual relationship. The FIR has been lodged belatedly.

4 The learned Additional Public Prosecutor submitted that the applicant has taken undue advantage of the complainant and have indulged in the act as reflected in the FIR.

5 The applicant was working as Administrative Officer in school and the complainant was employed as a Security Guard when the offence, as alleged in the FIR, is committed. From the tenor of the FIR, it appears that the applicant and the complainant were acquainted with each other. The complainant is aged about 42 years of age. Even after the alleged incident of 29th September 2018, the complainant and the applicant met each other at different places. The said fact is stated in the FIR. In the light of averments reflected in the FIR,

it appears that the relationship between the complainant and the applicant was consensual and the custodial interrogation of the applicant is not necessary. Hence, the following Order :

ORDER

- (i) In the event of arrest of the applicant in connection with Crime in 487 of 2018 registered with Oshiwara Police Station for the offences punishable under Sections 376 and 377 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs.20,000/- and on furnishing one or more sureties in the like amount ;
- (ii) The applicant shall attend the Investigating Officer on 24th, 26th and 27th December between 11.00 a.m. to 1.00 p.m. and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.
- (iii) The application is disposed of accordingly.

(PRAKASH D. NAIK J.)