

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

**ANTICIPATORY BAIL APPLICATION NO. 2392 OF 2018**

Subhajit Santoshkumar Mitra ... Applicant  
Vs.  
The State of Maharashtra ... Respondent

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Mr. S.S. Butala I/b. S.S. Butala & Associates for the applicant.  
Mr. S.R. Agarkar, APP for the Respondent-State.  
Mr. Tanaji D. Kale, API, Kalwa, Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 29<sup>th</sup> NOVEMBER, 2018.**

**P.C.**

1. This is an application for anticipatory bail in CR No. 41 of 2018 registered with Kalwa Police Station for the offence punishable under Section 376, 506 of Indian Penal Code.
2. The complainant is a lady aged about 28 years. She was acquainted with the applicant accused since October, 2017. The applicant had also proposed her about marriage. Thereafter they had consensual relationship in November, 2017. Subsequently, the accused had backed out from the promise of marriage. Hence, the FIR was lodged on 8<sup>th</sup> February, 2018.
3. The learned advocate for applicant has pointed out the earlier complaint dated 10<sup>th</sup> January, 2018 forwarded to the Robak

MIDC Police Station where she has stated that she had visited the house of the applicant/accused for celebrating birthday and there was a physical relationship between them.

4. Considering the nature of allegations reflected in the First Information Report, apparently there was a consensual relationship between the applicant and the complainant. They were acquainted with each other since October, 2017. There was physical relationship between them. In the circumstances, the case for grant of anticipatory bail is made out.

#### **ORDER**

- i) In the event of arrest of applicant in connection with C.R. No.41 of 2018 registered with Kalwa Police Station, the applicant be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- ii) The applicant shall attend Investigating Officer of concerned Police Station as and when called for till the next date of hearing;
- iii) Anticipatory Bail Application stands disposed off.

**( PRAKASH D. NAIK, J. )**