

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

ANTICIPATORY BAIL APPLICATION NO.2757 OF 2019

Alsuheb Abdulsattar Dingankar

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.A.S. Khandeparkar a/w. Mr.Sangram Desai, Mr.Rajdeep Gude,
Mr.Sankalpa Rajpurohit and Ms.Apoorva Khandeparkar i/b.
M/s.Khandeparkar & Associates, Advocate for the Applicant.

Mrs.A.A. Takalkar, APP for the Respondent – State.

Swati Ankush Yadav, API, Sawantwadi Police Station, District –
Sindhudurg, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 17, 2019.

P.C. :

The applicant is apprehending arrest in connection with C.R.No.208 of 2019, registered with Sawantwadi Police Station, District-Sindhudurg, for the offences punishable under Sections 376, 500, 504, 506 and 376(2)(n) read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was registered on 6th December, 2019.

2 The case of the complainant is that she was acquainted with the applicant. Thereafter they continuously

approached each other. There were repeated phone calls. The complainant was a married lady. She obtained divorce. The accused gave false assurances and induced the complainant to have physical relationship with him. Since 2016 till April 2019, the applicant and the complainant had physical relationship at various places. The details of the places where both of them had visited and had physical relationship are reflected in the FIR. It is alleged that the applicant had made false promises of marriage and induced her to have sexual relationship with him.

3 Applicant preferred an application for anticipatory bail before the Sessions Court, which has been rejected by order dated 10th December, 2019.

4 Learned counsel for the applicant submits that the contents of the FIR would at the most reveal that the relationship was consensual. According to the complainant, both the parties were acquainted with each other in the year 2006. The complainant is a married lady. Even the applicant is a married person. The notice issued at the instance of the complainant is contrary to her version in the complaint.

5 Learned APP submitted that false promise was made by the applicant accused and under the pretext of promise of

marriage the victim was exploited by having physical relationship with her. FIR depicts the nature of relationship between the complainant and the applicant. It is apparent that both of them were acquainted with each other. First informant visited several places with applicant from time to time and had physical relationship. It is alleged that since 2016 to 2019, there was physical relationship on the false promise by the applicant. It is apparent that the relationship was consensual. The victim is a major lady. In the circumstances, custodial interrogation of the applicant is not warranted.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.2757 of 2019, is allowed;
- (ii) In the event of arrest of the Applicants in connection with C.R.No.208 of 2019, registered with Sawantwadi Police Station, District-Sindhudurg, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicants shall report to investigating officer on 20th, 21st and 23rd December, 2019, between 10:00 a.m. to 01:00 p.m., and, thereafter, as and when called for till filing of charge-sheet;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)