

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.430 OF 2019

Suraj Krushna Machhi, Age 24 years, Occ.Business, R/o.Chindigaon, Machhipada, Tal.Dahanu, Dist.Palghar.	Applicant
versus	
The State of Maharashtra	Respondent

Mr.S.V.Marwadi I/by N.M.Nadar for applicant.
Mrs.A.A.Takalkar, APP, for State.
Mrs.S.F.Dombale, PSI, Vangaon Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th February 2019

PC :

1. This is an application for anticipatory bail in CR No.8 of 2019 registered with Vangaon Police Station for offences under Sections 376, 417 and 506 of Indian Penal Code.
2. On perusal of the FIR it is apparent that the complainant who is a major woman, was in relationship with applicant. It is alleged that the applicant has promised that he would marry the complainant. There was physical relationship under the promise of marriage and subsequently the applicant has backed out from the promise.
3. Learned counsel for applicant submits that the offence u/s 376 of IPC is not made out in this case. The relationship was consensual. The custodial interrogation is not necessary.

4. Learned APP further submits that the promise was false. The applicant had induced the complainant to have physical relationship and thereafter backed out from the promise and married to some other lady. On perusal of the FIR as stated above, the accused and victim were in relationship since 2016. The FIR was lodged on 31st January 2019. Considering the nature of allegations, custodial interrogation of the applicant is not necessary.

5. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.430 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of applicant in CR No.8 of 2019 registered with Vangaon Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer as and when called for till filing of charge sheet;
- (iv) The applicant shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST