

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 659 OF 2019

Rajendra Shankar Ruke ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Ms.Mallika A. Ingle a/w. Mr.Rushit P. Thakkar i/b. Mr.Bhanudas L. Jagtap for Applicant.

Ms.Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 15th March 2019.

P.C. :

1] The applicant is apprehending arrest in connection with C.R. No. 31 of 2019 dated 23/01/2019 registered with Samta Nagar Police Station, Mumbai, for the offence punishable under Section 376(2)(n), 504 and 506 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The First Investigation Report is lodged by the prosecutrix aged about 30 years.

It is the allegation against the applicant that, the applicant by giving promise to marry established physical relations with the prosecutrix and subsequently, resiled from the said promise. That when the prosecutrix along with her uncle and aunt had been to the house of the applicant to have a discussion pertaining to their marriage, the mother of the applicant abused the prosecutrix and drove her away from the house. In the premise the F.I.R. is lodged.

4] A minute perusal of the F.I.R. and other record indicates that the prosecutrix was a consenting party to the alleged offence as contemplated under Section 376(2) (n) of the Indian Penal Code and the relations between the applicant and the prosecutrix were consensual.

5] In view of the above, this Court is of the opinion that the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant can be protected by pre-arrest bail.

Hence, the following Order:-

- (i) In the event of arrest in C.R. No. 31 of 2019 registered with Santa Nagar Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond in the sum of

Rs.25,000/- with one or two solvent local sureties.

- (ii) Applicant shall attend the Investigating Officer from 26th March 2019 to 29th March 2019 between 11:00 am to 2:00 pm and to join the process of investigation.
- (iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]