

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 663 OF 2019

Hemkant Chandrakant Bachhav	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Ms.Swapna Kode 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.45 of 2019 dated 26/02/2019 registered with Vanrai Police Station, Mumbai, for the offence punishable under Section 376, 323, 504 and 506 of the Indian Penal Code.

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

3] The First Information Report is lodged by the prosecutrix aged about 38 years.

The FIR itself indicates that the relations between the applicant and the prosecutrix were consensual relations. It further appears from the record that though the applicant had discontinued relations with the prosecutrix in the interregnum, it were again continued upto 17/01/2019 and when the said relations got soured on account of monetary transactions, it appears that the prosecutrix has lodged the present crime.

4] The applicant has produced on record certain photographs of the applicant and the prosecutrix and also the messages received by the applicant on his mobile-phone from the prosecutrix from which also it can be *prima-facie* infer that the relations between the prosecutrix and the applicant were consensual in nature.

5] In view of the above, I am inclined to protect the applicant by way of pre-arrest bail. Hence, the following order.

6] Hence, the following Order:-

- (i) In the event of arrest in C.R. No.45 of 2019 registered with Vanrai 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 10:00 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.]