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

ANTICIPATORY BAIL APPLICATION NO. 645 OF 2018

Duryodhan Sopan Aldar

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Rajesh Mane advocate for the applicant

Smt. J. S. Lohakare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 17, 2019.

P.C.

Having heard the respective counsel and having perused the contents of the F.I.R. and the interim protection ordered in favour of the applicant on 04/04/2018, in my opinion, the same needs to be confirmed for the following reasons:

(a) From the record there appears to be a consent qua the allegation of rape made by the complainant;

(b) Both the complainant and the applicant earlier decided to marry and as such the victim continued to be in contact with the present applicant and developed intimacy.

The family of the victim girl was against their marriage, perhaps which prompted the victim girl to lodge F.I.R., though she on earlier occasion has agreed to flee away with the applicant for getting married with him.

2 Of course there are allegation of abortion, the medical papers of which reflects the name of the applicant as husband, however, what is required to be noted is, the relationship between the applicant and victim girl has continued for more than 18 months, perhaps which prompted the applicant to be a consenting party to the said abortion.

3 In view thereof, the interim protection ordered in favour of the applicant on 04/04/2018 is hereby confirmed. Applicant shall attend the Investigating Officer as and when directed. Applicant shall co-operate with the investigating agency.

4 Application stands disposed of.

[NITIN W. SAMBRE, J.]