

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

ANTICIPATORY BAIL APPLICATION NO.1249 OF 2019

Mahesh Gangaram Patil	 Applicant
Versus	
The State of Maharashtra	 Respondent

- Mr. Rajesh A. More for the Applicant.
- Mrs. S. S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JUNE, 2019

P.C. :

1. Leave to amend.
2. The applicant is seeking anticipatory bail in connection with C.R.No. I 51 of 2019 registered with Khandala police Station, Dist. Satara, under sections 376(2)(n) of I.P.C.
3. The FIR is lodged by the prosecutrix on 29/03/2019. According to her, she got acquainted with the present applicant since July 2018. They developed close friendship. The applicant continuously promised to get married with the prosecutrix and on that pretext they had physical relationship. The FIR mentions that they had consensual physical intercourse on many occasions from July, 2018 till March, 2019. However, on 25/03/2019 the

applicant informed the first application that he never intended to marry her and at that point of time prosecutrix understood that she was cheated. Therefore, she lodged FIR.

4. Heard Shri. Rajesh More, learned counsel for the applicant, as well as, Ms. S. S. Kaushik, learned Additional Public Prosecutor for the state.

5. Learned counsel for the applicant submitted that the present FIR is filed as a counter blast to the FIR lodged by the applicant. That FIR was lodged vide C.R.No.50/19 at the same police station U/s.325, 323 and 506 r/w. 34 of the I.P.C. In that FIR, he had mentioned that the brother of the prosecutrix had assaulted him with sword because of which he had suffered fracture to his hand. He submitted that as a counter blast to save her brother, prosecutrix has lodged this false complaint.

6. As against this, learned APP has submitted that the offence is serious and it is clearly made out in the FIR lodged by the prosecutrix. The applicant never intended to marry her and, therefore, right from inception his intention was not to marry her, therefore, offence is made out. The consent is vitiated.

7. Perusal of FIR lodged by the applicant himself reveals that the cause of assault on him by the prosecutrix's brother was the relationship which applicant had developed with the prosecutrix. Therefore, there is direct nexus of that incident with the allegations made by the prosecutrix and in fact, the FIR lodged by the applicant supports the case of the prosecutrix that there was close relationship with the applicant regarding which he had refused to honour his commitment. Thus, the offence as alleged by the prosecution is clearly made out. The offence is serious and the applicant does not deserve any relief of discretionary remedy of anticipatory bail. Therefore, application is rejected.

(SARANG V. KOTWAL, J.)