

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1471 OF 2019

Manoj Balasaheb Dhanavade

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Ms Khushboo Shah, Advocate, for the Applicant

Mr. V. V. Gangurde, APP, for the Respondents – State

Mr. Mahesh Patil, API, Sahar Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 19.07.2019

P.C.

. Heard learned counsel for the Applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.246 of 2019, registered with the Sahar Police Station, Mumbai, for the alleged offence punishable under Section 376 of the Indian Penal Code.

4. Learned Counsel for the applicant submitted that the prosecutrix aged 30 years met the applicant aged 28 years sometime in June 2019. He submitted that according to the complainant/prosecutrix,

in May, 2019, she had booked a package with Kesari Tours to travel to Malaysia and Singapore from 16th June, 2019 to 22nd June, 2019. According to the complainant/prosecutrix, she got a message on her mobile about the details of the trip on 14th June, 2019, pursuant thereto, she called the said mobile number and spoke to the applicant, who was the Tour Manager/ Trip Leader of the tour. There were about 40 other tourist in the said trip. According to the complainant/prosecutrix, she and the applicant became friendly and on 20th June, 2019, when they were in Singapore, the applicant proposed to her at the hotel. The complainant/prosecutrix asked for time. Thereafter, it is alleged by the complainant/prosecutrix that the applicant asked her to come to his room to show her the shopping, pursuant to which, she went to the applicant's room. It is alleged that the applicant held her from behind and had physical relations with her, without her consent. Again on 21st June, 2019, the applicant had physical relations with her. On 24th June, 2019, they got themselves registered with the Marriage Registrar. According to the complainant, thereafter the applicant refused to get married to the complainant and hence the aforesaid complaint was lodged.

5. Learned Counsel for the applicant submitted that the

refusal to get married to the complainant was because of the message that was sent to the applicant on 25th June, 2019, which is on page 66 of the application.

6. Learned APP states that the Applicant has attended the concerned police station, as directed by this Court (Coram : Revati Mohite Dere, J.) vide order dated 09.07.2019.

7. Perused the papers. The prosecutrix and the Applicant are adults. Whether or not physical relations of the Applicant with the prosecutrix were with her consent or not, is a matter which will be decided by the trial Court.

8. Having regard to the peculiar facts of this case, custodial interrogation of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)