

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1485 OF 2019

Sneha Harshal Mandhare] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Kuldeep Nikam, Advocate for the Applicant.
Mr. S.S. Pednekar, APP for the State/Respondent.
Mr. Sandeep Bali, Advocate for the First Informant.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 10th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.22/2019 registered with Alankar Police Station, Pune City u/sec. 376 of I.P.C.
2. The offence was registered on 23/01/2019 at the instance of the prosecutrix u/sec. 376 of I.P.C. It is her case that she had got married with her husband on 26/12/2004. She was having trouble in her matrimonial relationship and therefore the divorce proceedings were contemplated. Between the years 2007 to 2013 she was residing in U.S.A. She came back to India in the year 2013. Thereafter, she got in

touch with the applicant's husband. He was known to the prosecutrix since past 19 years. They rekindled their friendship which is resulted in a love affair. When the husband of the prosecutrix was not in the country, the applicant's husband kept physical relationship with the prosecutrix. It is her case that, the applicant's husband had made false promise of marriage and therefore she acceded to his proposal. She had given details of incidents when they had their physical relations. However, ultimately the applicant's husband had not fulfilled his promise and thereafter the prosecutrix lodged this FIR u/sec. 376 of I.P.C.

3. Heard Mr. Kuldeep Nikam, Ld. Counsel for the Applicant, Mr.S.S. Pednekar, Ld. APP for the State/Respondent and Mr. Sandeep Bali, Ld. Advocate for the First Informant.

4. Ld. APP and Ld. Counsel for the First Informant submitted that subsequently Section 420 of I.P.C. was added to this FIR. The investigation is being carried out for offence under this Section as well.

5. On reading the FIR, it is really shocking as to how some other

financial transaction can be part of allegations of rape. It is really unfortunate that the present applicant had to approach courts for relief of anticipatory bail. The financial transaction, if any, has absolutely no connection with the allegations in the FIR which were made only against the husband of the applicant.

6. Ld. Counsel for the informant on specious arguments submitted that since the cheque issued by the applicant in some financial transaction was dishonoured, therefore even the applicant is responsible and is an offender in this case. This submission needs to be rejected outrightly.

7. Looking at the allegations in the FIR, absolutely no case is made out against the present applicant. If the prosecutrix is aggrieved by some financial transaction, it obviously is a subject matter of different proceedings. In this view of the matter, the applicant deserves to be protected by relief of anticipatory bail. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C.R.No.22/2019 registered with Alankar Police Station, Pune City, the Applicant be

released on bail on her furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)