

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

ANTICIPATORY BAIL APPLICATION NO.1574 OF 20219

Ajay Dhondiram Jadhav	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.V.V. Phatate, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.201/19 registered with Akkalkot South Police Station, Solapur, under sections 363, 376, 504, 506 of the Indian Penal Code.

2. The FIR in this case is lodged by the prosecutrix on 01/05/2019. She has stated in her FIR, that she had lost her parents quite early and she was residing with her grandmother. She was doing labour work. While going to her work, she came in contact with the present Applicant, who was a driver on a tractor. Their acquaintance developed into a love relationship. The Applicant came to her house and asked permission of her

grandmother to marry the prosecutrix. When the grandmother refused even maternal aunt of the prosecutrix refused her permission. Thereafter the prosecutrix told the Applicant not to visit her house and that he should forget her. However, still he persuaded her. It is her case, that, the Applicant used to abuse and threaten her. On 09/02/2019, the prosecutrix was alone in the house. The Applicant came there and called her out. It is her case that he threatened her. Thereafter she went to Akkalkot with the Applicant in a private vehicle. Then both of them went to Pune. At some place in Pune in a room the Applicant and the prosecutrix exchanged garlands. It is her case that the Applicant represented to her that they were married and they should have physical relations. At that time, the prosecutrix told him that they should again try to seek permission from her family. But inspite of this, on insistence of Applicant they had physical relations. After about two months i.e. on 25/04/2019 she came back to her grandmother's place without informing the Applicant as she got impression that the Applicant was cheating her. After coming back to her grandmother's place on 25/04/2019, she lodged her FIR on 01/05/2019.

3. Heard learned Counsel Mr.V.V. Phatate for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Mr.Phataate submitted that there was love relationship between the prosecutrix and the Applicant. The prosecutrix had accompanied him willingly. Therefore no offence is made out.
5. Learned APP submitted that though the prosecutrix had willingly accompanied the Applicant, subsequently she got the impression that the Applicant was cheating her. Therefore the FIR was lodged.
6. I have considered the submissions and the statement in the FIR. From bare reading of the FIR it is more than clear that the Applicant and the prosecutrix were in love relationship and the Applicant had even tried to seek permission of her family. Thereafter they reached Pune. The Applicant and the prosecutrix had exchanged garlands. The validity of that marriage is not an issue in the investigation. But from the conduct of the Applicant,

it does appear that he was serious in his intention to get married with the prosecutrix. The prosecutrix had willingly accompanied him to Akkalkot and then to Pune and had resided with him for over two months. Therefore the relationship was consensual. But something went wrong thereafter. The acts which took place prior to developing their differences will not amount to any offence in this case. The Applicant has made out a case for protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.201/19 registered with Akkalkot South Police Station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)