

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

ANTICIPATORY BAIL APPLICATION NO.1644 OF 2019

Mayur Ratan Padale

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Debajyoti Talukdar, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PSI Ms.A. Dugavkar, Uttamnagar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.66/19 registered with Uttamnagar Police Station, Pune, under sections 376 of the Indian Penal Code.

2. The FIR is lodged by the prosecutrix. She was 23 years of age at the time of lodging of her FIR. She has stated in her FIR that the Applicant was known to her as he was a distant relative of her cousin. They got in touch with each other and a

love relationship developed between them. She has given instances of their sexual intercourse in two different lodges in the year 2016. It is her case that even thereafter by promising her marriage, the Applicant kept physical relations with her. It is her case that he thereafter he did not marry her and therefore she lodged this FIR. It is her case that she had consented to the physical relations under the impression that the Applicant was serious in his intention to get married.

3. Heard learned Counsel Mr.Debajyoti Talukdar for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Learned Counsel Mr.Talukdar submitted that on bare reading of the FIR, it shows that the relationship was consensual. The prosecutrix was an adult lady. She was aware of the consequences of her act.
5. Ms.Takalkar submitted that the family of the prosecutrix was expecting the Applicant and his family to come

to their home for having a discussion regarding the marriage. The Applicant and his family never turned up and therefore there was no further progress in that direction. She therefore submitted that the intention of the Applicant was not honest.

6. I have considered these submissions. The affair between the Applicant and the prosecutrix was going on since the year 2015. On different occasions they had gone to different lodges. Therefore it cannot be said that the prosecutrix was not aware of what she was doing. For four years, there was no steps taken by the Applicant and yet the prosecutrix kept having the such relations for a long period. Therefore no purpose will be served by permitting custodial interrogation of the Applicant at this stage. The investigation can go on. The Applicant's intentions can be tested during trial. However, at this stage, the custodial interrogation of the Applicant is not necessary and therefore the Applicant is protected by the order of anticipatory bail in his favour. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.66/19 registered with Uttamnagar Police Station, Pune, 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) The Applicant shall attend the concerned Police Station as and when called and shall cooperate the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)