

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1652 OF 2019

Prakash Baliram Chavan] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mrs. Anita Agarwal, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

PSI Pramila Dhawan attached to Kothrud Police Station, Pune City present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 26th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.207/2019 registered with Kothrud Police Station, Pune City u/sec. 376 of I.P.C.

2. The FIR is lodged by the prosecutrix on 19/06/2019. She has stated in her FIR that, at the time of lodging of FIR, she was working with a reputed company as a Senior Software Engineer. In the year 2008, when she was studying in her college, she got acquainted with the present applicant. Their friendship turned into love affair. The

applicant had proposed to her for marriage. But at that time she refused because she was still studying. Thereafter, they kept in touch with each other. She had narrated many incidents of their sexual intercourse at different places from the year 2008 to 2018 for ten long years. It is her case that, initially her family was opposed to her marriage with the applicant. But later on they consented. The applicant met her family and assured them that, he intended to marry the prosecutrix, but he needed some time. It is her case that, in April 2019 again she asked him whether he was serious about getting married. The applicant repeated that, he wanted to marry her but he wanted some more time. Even thereafter they had gone to another lodge and there they had sexual intercourse. Finally on 10/05/2019 when the same topic came up for discussion, the applicant refused to marry her. The prosecutrix was shocked and she was required to be admitted in the hospital. On this basis, the FIR is lodged.

3. Heard Mrs. Anita Agarwal, Ld. Counsel for the Applicant and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submits that, the allegations in the FIR clearly show that, there was a consensual relationship for over a period of 10 years and suddenly the prosecutrix had come up with a case that, the consent was obtained under misconception of fact. She submitted that looking at the nature of allegations, custodial interrogation of the applicant is not necessary.

5. Ld. APP opposed the submissions. She added that, the offence is serious and according to the prosecutrix, she was always under the misconception that the applicant would get married with her and therefore, she had consented to have physical relations with him. She submitted that, this consent is the result of misconception of facts and hence vitiated.

6. I have considered these submissions. The allegations in the FIR clearly show that, it was a consensual relationship. The relationship continued over a period of 10 years. The prosecutrix is an educated lady and working at a responsible position. She was very well aware of the consequences of her acts and consequences in case the marriage

did not take place, but inspite of that, she will willingly kept the relationship with the applicant. In this view of the matter, custodial interrogation of the applicant is not necessary. The applicant deserves the protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.207/2019 registered with Kothrud Police Station, Pune City, the Applicant is directed to be released on bail on his 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.)