

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1548 OF 2018

Yogesh Kishor Patil	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.Chaitanya Pendse a/w. Ms.Siddhi Bhosale i/b. Mr.Sanjay Bhojane for Applicant.

Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 29th March 2019.

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for State. Perused the record of investigation.

2] By an order dated 13th August 2018 the applicant was granted interim relief.

3] The respondent No.2 is the prosecutrix. As per the first information report, the husband of the prosecutrix had deserted her two years prior to lodgment of the crime. She got acquainted with the

applicant and their acquaintance turned into friendship. It is alleged that the applicant requested the prosecutrix to have relations with him to which she denied. Thereafter, the applicant under the threat and by pointing a fire-arm, forced her to keep physical relations with him. It appears that the said relations were continued for a period of one year. *Prima-facie*, it appears from the record that, the offence alleged as under Section 376 of the Indian Penal Code was a consensual act between two adult persons.

4] In view of the above, the custodial interrogation of the applicant is not necessary and the applicant can be protected by pre-arrest bail.

Interim relief granted by order dated 13th August 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

5] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]