

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1647 OF 2018

Prashant Balu Bhalerao] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Ghanasham Jadhav, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Mr. Suhas Latne, Police Constable attached to Baramati City Police Station.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 11 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.I-342/2018 registered with Baramati City Police Station, u/sec. 376, 318 r/w 34 of I.P.C.

2. The FIR is lodged by the prosecutrix on 17/07/2018. She has mentioned in the FIR that she was married in the year 2011. But she was residing separately from her husband from the year 2015. Thereafter, the present applicant got acquainted with the prosecutrix

and they developed close friendship. Both of them had physical relationship. She has clearly stated in the FIR that they were residing together. The prosecutrix became pregnant. It is the allegations of the prosecutrix that in March 2018 the applicant gave her some medicines due to which she felt uneasy. On 05/03/2018 her pregnancy was terminated. Thereafter, the applicant did not meet the prosecutrix for two months. When she threatened to lodge the complaint, the applicant came back to her. Again they had physical relations. On the last occasion, they had physical relations on 16/05/2018. But thereafter the dispute arose between them and the applicant left her. After all this, the prosecutrix lodged her FIR as mentioned above.

3. Heard Mr. Ghanasham Jadhav, Ld. Counsel for the Applicant and Mr. Prashant Jadhav, Ld. APP for the State/Respondent.

4. Perusal of FIR clearly shows that it was a consensual relationship. Even after their dispute after termination of pregnancy, they still had physical relationship. It appears that, throughout, the prosecutrix had consented to have such relationship. Therefore, the

allegations of commission of rape do not appear to be true in this case. So far as the allegations of forcible termination of pregnancy is concerned, the investigation papers produced by Ld. APP shows statement of Dr. Anil Kadam which is recorded on 01/04/2019. That statement mentions that the procedure of termination of pregnancy had to be carried out to save life of the prosecutrix. Therefore, even on these allegations the applicant cannot be held responsible. In view of this, the applicant has made out a case for anticipatory bail. The applicant's custodial interrogation is not necessary. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.I-342/2018 registered with Baramati City Police Station the Applicant be released on bail on his executing 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.)