

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

ANTICIPATORY BAIL APPLICATION NO. 2276 OF 2019

Rajesh Bhimrao Waghmode	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Pandit Kasar, Advocate for the Applicant.
Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 685 of 2019 registered with Nigadi Police Station, under section 376 of the Indian Penal Code.
2. The FIR is lodged by the prosecutrix herself. She was 23 years of age at the time of lodging FIR. She has stated in her FIR that she was residing with her mother and brother. She got acquainted with the applicant in January 2017. She was aware that the applicant was a married man. In spite of that, their friendship grew into a love affair. The FIR thereafter described many instances when they had physical relations on different occasions at different places and in different lodges. The FIR

mentions that their last contact was on 20/10/2018. It is her case that she used to ask the applicant about getting married and applicant was making some excuses. He was promising that he would get married with her. But he did not take any steps in that behalf. On this basis, the FIR was lodged. It is also mentioned in the FIR that, at the time of lodging of FIR, she was 26 weeks into her pregnancy.

3. Heard Mr. Pandit Kasar, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

4. Learned counsel for the applicant submitted that, FIR shows that it was consensual relationship and the informant was aware of the marital status of the applicant. He further added that, as per the FIR they had their last physical relations on 20/10/2018 and the FIR was lodged in June 2019 when she was 26 weeks pregnant. He, therefore, submitted that, obviously, the applicant is falsely implicated and her allegations against the applicant could not be true. Learned APP relied on the FIR.

5. I have considered these submissions. I find considerable force in the submission of learned counsel for the

applicant that, her case of pregnancy of 26 weeks in June 2019 has to be looked in proper perspective in view of her clear statement that they had their last physical relation in October, 2018, however, without going into the effect of such submission, it is more than clear that the relationship was obviously consensual. The informant was aware of marital status of the applicant and still she continued with their physical relations on different occasions, at different places. She was aware of consequences of her act. Therefore, the applicant deserves protection of anticipatory bail.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 685 of 2019 registered with Nigadi Police Station, 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.)