

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2485 OF 2018

Manoj Gohil	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2486 OF 2018**

Paresh Vaghela & Ors.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.Swapnil Ambure i/b. Dinesh Tiwari and Associates for Applicant.
Mr.Ajay Patil, A.P.P. for Respondent-State.
Mr.P.M.Bhalerao, P.I., Narpoli Police Station, Bhiwandi.

CORAM : A.S. GADKARI, J.

DATE : 20th March 2019.

P.C. :

1] By an order dated 5th December 2018 the applicants were granted interim relief and were directed to attend the Investigating Officer on stipulated dates to co-operate in the process of investigation.

2] Heard the learned counsel for the applicants and the learned APP for the State. Perused the record of investigation.

3] The prosecutrix in the present crime was aged about 29 years on the date of lodgment of the crime.

It is stated in the report that she is a social worker by vocation. She has also stated that she was residing with the applicant Manoj Gohil on the date of lodging of the crime. A perusal of the First Information Report would indicate that the applicant Manoj Gohil by giving promise to marry with the first informant established physical relations with her on various occasions. The prosecutrix accompanied Manoj Gohil on many occasions at various places and they had physical relations there. It is alleged that the applicant Manoj Gohil by promising the prosecutrix that he will give divorce to his wife further induced the prosecutrix to have relations with him. That the applicant Manoj Gohil subsequently resiled from the promise of marriage. As far as the applicants in ABA No.2486 of 2018 are concerned, it is alleged that on 13th September 2018 they under the instructions of Manoj Gohil assaulted the prosecutrix with fists and also threatened her. In the premise, the present crime is registered on 13th October 2018.

4] The record of investigation indicates that in pursuance of the Order passed by this Court, the applicants have attended the

Investigating Officer on stipulated dates and co-operated in the process of investigation.

5] In view of the facts mentioned here-in-above , this Court is of the *prima-facie* view that, the relations between the applicant Manoj Gohil and the prosecutrix were consensual relations. As far as the allegations of assault on 13th September 2018 is concerned, there is delay of about one month in lodging the crime for the same.

In view thereof, interim relief granted by Order dated 5th December 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6] Both the applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]