

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 992 OF 2020

Prakash Ramesh Rawde,
Age 24 years, Occ. Service
Indian Army, r/o. A/p. Kadus
Tq. Parner, Dist. Ahmednagar. ... **Applicant.**

VERSUS

The State of Maharashtra. ... **Respondent.**

...
Advocate for the Applicant : Mr. Gundecha Vijay R.
APP for the Respondent/State : P.V. Diggikar.

CORAM : MANGESH S. PATIL, J.

DATE : 26/11/2020

PER COURT :

The applicant is seeking bail in the event of his arrest in connection with Crime No. I-5635/2020, registered with Kotwali Police Station, District Ahmednagar for the offences punishable under Sections 376 (2)(n), 420 of the Indian Penal Code.

2. The allegations are to the effect that the applicant under promise to solemnize marriage with the prosecutrix made her to succumb to his lust and maintained the relations since September 2017 to July 2020. Instead of solemnizing marriage by keeping the promise he married to a girl and the F.I.R. was lodged.

3. The learned advocate for the applicant submits that the prosecutrix is major. She was already married. A proceeding for divorce was also filed by her and still maintained sexual relations with the applicant for a period of more than three years. She also alleges about having visited

several lodges and even the residential quarter of the applicant. All these circumstances clearly indicated that it was a consensual relation. The F.I.R. has been lodged only after he solemnized marriage. Going by the allegations, custodial interrogation of the applicant is not necessary. He is ready to submit himself for medical examination if so desired by the Investigating Officer and he is ready to obey any other condition. He is an army man and would be put to harassment if he is allowed to be arrested.

4. The learned A.P.P. opposes the application. She submits that a statement of the prosecutrix has been recorded under Section 164 of the Code of Criminal Procedure which is in quite detail. She has narrated as to how the applicant had lured her to have sexual relationship under the promise of marriage but has breached it. It would clearly constitute an offence of cheating. The Investigating Officer has also collected documentary evidence which corroborates the version of the prosecutrix. Having exploited her sexually for a period of three years he has solemnized marriage with a different girl. At this juncture this much of material is enough to corroborate the version of the prosecutrix. The offence being serious the applicant may not be granted anticipatory bail.

5. I have carefully gone through the papers. Even according to the F.I.R. and the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, she continued to have sexual relations with the applicant for a period of more than three years. She was already married and had filed a proceeding for divorce. The couple seems to have visited several lodges. It is only after he solemnized the marriage she has chosen to file the F.I.R.

6. Considering such a stand of the prosecutrix and all the other attending circumstances referred to herein above, custodial interrogation of the applicant does not seem to be imperative. He can be bound by suitable conditions to enable the Investigating officer to complete the investigation

including his medical examination if he so desires.

7. The application is allowed. In the event of arrest of applicant in connection with Crime No. I-5635/2020, registered with Kotwali Police Station, District Ahmednagar for the offences punishable under Sections 376 (2)(n), 420 of the Indian Penal Code, he shall be released on bail on his executing personal recognizance for an amount of Rs. 25,000/- (Rs. Twenty Five Thousand only) and furnishing a solvent surety in the like amount subject to following conditions :

(a) He shall attend the concerned police station on three Saturdays starting from 05.12.2020 between 11 a.m. and 1 and shall cooperate the Investigating Officer.

(b) He shall not tamper the evidence or influence the witnesses.

(c) He shall not make any attempt to contact the prosecutrix.

(MANGESH S. PATIL, J.)

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