

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

ANTICIPATORY BAIL APPLICATION NO.7 OF 2020

Ajit Kumar Prabhakar Tutika .. Applicant
Vs.
State of Maharashtra .. Respondent

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Mr.Mahesh B. Zanwar, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent - State.

HC S.U. Bagal, Kondhwa Police Station, Pune City, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 3, 2020.

P.C. :

This is an application for anticipatory bail, in connection with C.R.No.889 of 2019, registered with Kondwa Police Station, Pune City on 18th November, 2019, for offences punishable under Section 376, 376(2) and 506 of Indian Penal Code ("IPC", for short).

2 The case of the prosecution is that the applicant was engaged to the victim on 7th August, 2019. Thereafter, the

applicant had allegedly called the victim at different places and promised her that in view of engagement ceremony, they would perform marriage and had forcefully physical relationship with her. Subsequently, the applicant refused to marry the victim and conveyed about the same to the victim on 9th October, 2019.

3 Learned counsel for the applicant submitted that there was delay in lodging the FIR. False and frivolous allegations are made in the complaint. Prior to lodging of FIR, the applicant had forwarded complaint to police on 15th October, 2019 stating that the applicant and her mother were harassed by the family of the victim. It is further submitted that the applicant was granted interim protection by the Sessions Court, and he has cooperated with the investigation. Learned APP submitted that although attempts were made to call the applicant to the police station for interrogation, the phone was found switched off. It is submitted that under the pretext of engagement ceremony, the accused had physical relationship with the victim, and, thereafter refused to marry her.

4 I have perused the FIR and the order passed by the Sessions Court. According to the complainant, the engagement ceremony was performed on 7th August, 2019. The applicant had alleged forceful physical relationship with the victim at various places on 11th September, 2019, 14th September, 2019 and on two occasions thereafter. According to complainant, the accused had conveyed his refusal to marry her on 9th October, 2019. Whereas the FIR was lodged on 18th November, 2019. Applicant had forwarded complaint to the Kondhwa Police Station on 15th September, 2019, regarding harassment caused to him and his mother by the victim's family. Considering the factual matrix of the case, custodial interrogation of the applicant is not necessary.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.7 of 2020, is allowed;

- (ii) In the event of arrest of the Applicant in connection with C.R.No.889 of 2019, registered with Kondhwa Police Station, Pune City, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend the investigating officer of the concerned police station on 8th to 10th January, 2020, between 11:00 a.m. to 01:00 p.m. and, thereafter, as and when called for till filing of charge-sheet;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)