

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.228 OF 2020

Dipak Shivaji Kale

Applicant

versus

The State of Maharashtra

Respondent

Mr.Amey Deshpande for applicant.

Smt.Veera Shinde, APP, for State.

Mr.Sanjay V. Bedwal, Ambad Police Station, Nashik City, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January 2020

PC :

1. This is an application for anticipatory bail in CR No.I-667 of 2019 registered with Ambad Police Station, Nashik for offences under Sections 376, 406 and 506 of Indian Penal Code. The FIR was lodged on 15th October 2019.

2. The complainant is a lady aged about 26 years. It is alleged that on 6th May 2019 the applicant had visited the residence of complainant. The applicant again visited the residence of complainant on 11th May 2019 with his mother and relatives and Tilak/Roka ceremony was performed. Thereafter there was communication between the complainant and applicant on mobile phone. They met at Sambhaji Stadium. Thereafter they went to gold club. Subsequently they met with each other on several occasions. On 19th June 2019 the applicant came to meet her at the residence of complainant. They had sexual relationship. Thereafter they had visited several places pretending to be husband and wife

under the pretext of marriage. There was physical relationship on several occasions. The complainant was induced to part with cash amount and a gold chain. On 18th August 2019, however, the applicant informed the victim that he do not want to perform marriage with the complainant. The FIR was thereafter lodged on 15th October 2019.

3. Learned counsel for applicant submitted that relationship between applicant and complainant, if any, was of consensual nature. No false promise was given. There was no performance of Roka ceremony. The allegation that cash and ornaments were parted with the applicant are false. There were conversations between the applicant, complainant and their common friends, which makes no reference to the cash or gold chain being handed over to the applicant. There is also no reference to Roka ceremony.

4. Learned APP submitted that under the pretext of marriage the victim was subjected to sexual relationship. She was also induced to part with cash and ornaments. The custody of applicant is required to recover cash and gold ornament.

5. Perusal of the FIR would indicate that the victim and the complainant were allegedly known each other since May-2019. They had disclosed relationship. They visited several places. The victim is married lady. There is no evidence of performance of Roka ceremony. Considering the nature of allegations, custodial interrogation of applicant is not called for. However, applicant can be directed to co-operate with investigation.

6. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.228 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.I-667 of 2019 registered with Ambad Police Station, Nashik, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer on 5th, 6th and 7th February 2020 between 11 am and 1 pm and thereafter as and when called till filing of charge sheet;
- (iv) The applicant shall co-operate in the investigation.

(PRAKASH D. NAIK, J.)

MST