

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 300 OF 2020

Kamlesh Shivaji Dhotre

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyavrat Joshi a/w Mr. Nitesh Mohite, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th February, 2020

PC :

1. This is an application under Section 438 of Cr.PC. in connection with C.R. No. 1191 of 2019 registered with Hadapsar Police Station, Pune for offence punishable under Section 376, 471 of Indian penal Code.

2. The First Information Report (for short 'FIR') was lodged on 15th December, 2019 by the victim who is aged about 19 year. The prosecution case is that during the period of August, 2019 to December, 2019 the accused made false promise of marriage and had forcible sexual intercourse with the complainant and cheated her. Subsequently, he refused to marry.

3. On perusal of the FIR it can be seen that the complainant and

the accused became friends. In August-2019 the victim was called to the house of the accused under the promise of marriage. There was consensual relationship. It is alleged that on several occasion they had physical relationship. She not informed about the relationship to parents. On 7th December, 2019 victim was talking to the applicant which was noticed by her mother who questioned her about the same. The victim informed her mother that she is in love with the accused. Both the sides were called for fixing marriage of the applicant and the complainant. However, the applicant and his family members refused to perform the marriage. FIR was lodged. Victim is a major girl. Undisputedly, the relationship was consensual in nature. The FIR was lodged on refusal of marriage. In these circumstance, custodial interrogation of the applicant is not necessary.

4. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 300 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 1191 of 2019 registered with Hadapsar Police Station, Pune, the applicant be released on bail on

furnishing P. R. Bond in the sum of Rs.25000/-,
with one or more sureties in the like amount;

- iii) The applicant shall attend Investigating Officer on
20th and 21st February, 2020 between 11.00 a.m.
to 1.00 p.m. and thereafter as and when called for
till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)