

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.911 of 2020

Manali
P.
Tilak

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Vijay Subhash Nanaware .. Applicant
 Versus
 The State of Maharashtra .. Respondents

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Mr. Priyal Sarada i/b Mahesh Zanwar for the applicant.
 Mr. S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J
DATED : 15th DECEMBER, 2020

P.C:-

1 The FIR came to be registered with Yerwada Police Station by the prosecutrix, thereby invoking Section 376(2)(m), 470 of the IPC along with Sections 325, 504, 506 of the IPC.

2 The complaint is lodged on 9th November 2020 the the duration of occurrence of offence is spanning over a period of decade i.e. from 2nd January 2008 to 31st January 2018. The applicant is seeking protection from his arrest in the said C.R.

3 The prosecutrix aged 31 years state that she was working in a private office and residing in Mumbai. She was

Tilak

introduced to the applicant in the year 2008-09. The acquaintance developed into love relationship and it is alleged that the applicant was then behind bar being indicted in some crime. In the year 2010, she got married to one person but again came in contact with the present applicant. The statement is to the effect that she was avoiding him but under the threat that he would disclose his love relationship to her husband, she used to entertain him. Her husband came to know about her previous affair and she started residing in her parental house. Since she was scared of the fact that the applicant is a known criminal and since he was promising her that he would marry her, physical relationships are alleged to have established with her on many occasions. It is alleged that on her refusal, she was being beaten. In January 2018, she divorced her husband and she repeatedly asked the applicant to perform the marriage. It is also alleged that it is the applicant who impregnated her but refused to marry. The relationship further deteriorated when she caught the applicant red-handed in a compromising position with an unknown woman. She has stated that apprehending threat to her life, she did not report the incident till 9th November 2020.

4 Perused the FIR. The prosecutrix has referred to the incident ranging between 2008-2018 and the complaint is lodged in November 2020. Except stating that she was threatened by the applicant, no other reason is coming forth. The applicant as

well as the prosecutrix are major and she had in fact performed marriage with some other person and then obtained divorce from him. *Prima facie*, the relationship can be said to be consensual though under the pretext of marriage. The prosecutrix herself was married and she obtained divorce in the year 2018. The physical relationships were established during the subsistence of the said marriage. In the wake of the allegations when *prima facie* the physical relations were established between two adults and appear to be consensual is entitled for the protection. Hence, the following order :-

ORDER

Application is allowed.

- (a) In the event of his arrest, the Applicant – Vijay Nanaware shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall stay out of the jurisdiction of Yerwada Police Station and enter only when he is

called by the Investigating Officer to attend the Investigating Officer, till the filing of the charge-sheet.

- 5 The Application is allowed in the aforestated terms.

(BHARATI DANGRE, J)