

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

ANTICIPATORY BAIL APPLICATION No.421 OF 2021

Sunil Rampyare Chauhan

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

.....

Mr. Rahul Arote, advocate for Applicant.

Mrs. Veera Shinde, A.P.P. for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th FEBRUARY, 2021

PC.

1 The applicant is seeking anticipatory bail application in connection with C.R. No.1 of 2021 registered with Thane Town Police Station for the offence punishable under Sections 376 (1), 354-A, 354-D, 384, 323, 506 and 504 of Indian Penal Code (for short “IPC”). The First Information Report was registered on 1st January 2021.

2. The case of the complainant is that she is a lady aged about 42 years and resident of Thane. On 17th December 2017 she had visited DTDC courier at Naupada, Thane for sending medicine to sister through courier. She was introduced to the applicant who was working as Cluster Manager at the courier centre. She developed friendly relations with the applicant. In June 2018, she started online sale business of garments, jewellery, bags etc.

and she used to send the articles to her customers through DTDC courier. Her friendship with applicant developed into lover affair. On 15th February 2019, the applicant visited her house. The husband of the complainant was not in the house. The applicant told her that since they have good friendly relations, they should maintain physical relationship. Complainant was reluctant to do so, as both were married. The applicant forced her to have sexual relations with him. The applicant took two gold bangles weighing two tolas and thereafter threatened the complainant to defame her in the event she demanded the ornaments. Thereafter, the applicant had frequently visited her house and maintained physical relationship with her. Since June 2019, the applicant developed suspicion that the complainant is maintaining relationship with some other person and he used to stalk her at various places. On 24th December 2020, the applicant assaulted the complainant suspecting her relation with other person. On 1st January 2021 after consulting her husband, complainant visited Police Station and lodged her complaint. The FIR was registered.

3. On reading the FIR, it is apparent that the complainant is a major woman. According to her, she had developed friendship with the applicant. There were physical relationship between them on several occasions. The nature of relationship between both of them appears to be

consensual. It appears that on account of conduct of the applicant, the complainant had differences with him. The applicant had allegedly suspected her having relationship with some other person and he used to stalk and has allegedly assaulted her. Learned APP submitted that the applicant has been attributed specific overt act by the complainant.

4. Considering the factual aspects reflected from the FIR, the custodial interrogation of the applicant is not warranted. Case for grant of anticipatory bail is made out. Hence, the following order:-

ORDER

- (i) Anticipatory Bail Application No.421 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in connection with C.R. No.1 of 2021 registered with Thane Town Police Station, applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall appear before the Investigating Officer as and when called for and shall co-operate with the investigation.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)