

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

ANTICIPATORY BAIL APPLICATION NO. 481 OF 2019

Krishna Kashinath Patil	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Swaraj S. Jadhav for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.
Ms. Sarika Shetye i/b. S. B. Shetye for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.58 of 2019 registered at Panvel City Police Station, Navi Mumbai, under sections 323, 376, 384, 504 and 506 of the Indian Penal Code (for short 'IPC') and under section 67 of the Information Technology Act., 2000.
2. Heard Shri. Swaraj Jadhav, learned counsel for the applicant, Smt. Lohokare, learned APP for the State and Ms. Sarika Shetye, learned counsel for the Intervenor.
3. The First Information Report (for short 'F.I.R.') is

lodged by the prosecutrix herself on 04/02/2019. She has stated that, she had completed her education in the year 2018. The applicant was friend of her father and used to visit their house frequently. Subsequently, the applicant started making advances towards her. Thus, the informant and applicant got friendly. In August. 2018 the informant was taken to his flat in Panvel. That time, they had their first sexual intercourse. It is alleged in the F.I.R. that, it took place without her consent. It is further alleged that, he took some obscene photographs of the informant. He used to threaten the informant that he would upload those photographs on the social networking site and with such threats he continued to have such relations. In November 2018 the informant came to know that the applicant had similar relations with other girls. She has narrated the incident which had taken place in September, 2018 where there was a minor accident of the car when she was driving it and the applicant was travelling with her. It is her case that the applicant continued blackmailing her and continued with their relationship. He wanted to marry the informant. She told this to her father and thereafter she lodged this F.I.R.

4. Learned counsel for the applicant submitted that, now the charge-sheet is already filed. He invited my attention to certain statements in the charge-sheet. It indicates that it was not only a consensual relationship but the applicant and the informant were staying together as husband and wife.

5. Learned counsel for the intervenor, on instructions, stated that the informant does not have any objection if protection of anticipatory bail is granted to the applicant. She, however, stated that, some conditions be imposed on the applicant, so that, there is no further harassment caused to the informant.

6. Learned APP relied on the averments in the F.I.R. and statement recorded under section 164 of the Cr.p.c. She opposed grant of any relief in this application.

7. I have considered these submissions. As rightly submitted by the learned counsel for the applicant, the statement of a maid servant of that particular flat where the applicant used to take the informant, mentions that the applicant and the informant were residing together as husband and wife. This witness definitely was carrying this impression. She was shown the

photograph of the informant and she identified her as the person who was living with the applicant in that flat. She was treating her as the applicant's wife. Similar is the statement of watchman of that society. He also refers the informant as applicant's wife. A neighbour has also corroborated this fact. Though the informant's F.I.R. make allegations of forcible sexual intercourse, her conduct shows that, it was a consensual relationship. Her statement under section 164 of the Cr.p.c. adds that the informant's parents had a discussion with the applicant and his family and they discussed the prospect of their marriage. The informant's family was against this marriage because of the age difference, but the applicant was insisting on getting married. But since the marriage was not possible the relationship could not be continued. Thereafter, this F.I.R. is lodged. It is also pertinent to note that the informant as of today has no objection if relief is granted to the applicant. However, looking at the allegations and history, it is necessary to impose conditions on the applicant, though, I am inclined to grant anticipatory bail to the present applicant.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.58 of 2019 registered at Panvel City Police Station, Navi Mumbai, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall not, in any manner, try to contact, threaten or harass the first informant or her family.
- (iii) The applicant shall not try to contact any of the witnesses and shall not try to pressurise them.
- (iv) The applicant shall not tamper with the evidence.
- (v) The applicant shall attend the concerned police station, once a month for a period of one year from today.
- (vi) A copy of the charge-sheet submitted by the learned counsel for the applicant is taken on record.
- (vii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)