

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

ANTICIPATORY BAIL APPLICATION NO. 1063 OF 2021

Jagdish Ghansham Gupta	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. S. B. Manikhedkar i/b. Ms. Dipika Gupta, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th APRIL, 2021

PER COURT:

1. This is an application for anticipatory bail. At the outset, learned counsel for the applicant seeks permission to remove photographs annexed to this application at page No. 22 to 26 of the application.

2. The applicant is apprehending arrest in connection with C.R. No. 168 of 2021, registered with Dharavi Police Station, Mumbai for the offences punishable under Sections 376, 420 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 19th March, 2021.

3. The complainant has alleged that she had performed marriage in 2016. The relationship with her husband was not

cordial. She filed proceeding against her husband under the Domestic Violence, Act. In 2018, she got acquainted with the applicant. They have developed friendship. They fell in love. The applicant used to visit her house. He took her confidence. He promised her that, he would marry her. There was physical relationship between them. The victim was pregnant. She had undergone abortion. They promise of marriage was not fulfilled. Although, the applicant had promised of marriage, he avoided her. The FIR was lodged on 19th March, 2021.

4. Assuming the allegations to be true, from the contents of FIR, it is apparent that the relationship was of consensual nature.

5. Learned APP submitted that the applicant has taken undue advantage of strained relationship between the complainant and her husband and subjected the applicant to sexual relationship.

6. In view of contents of FIR, the applicant need not be subjected to custodial interrogation.

7. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 1063 of 2021, is allowed;

(ii) In the event of arrest of the applicant in connection with

C.R. No. 168 of 2021, registered with Dharavi Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report the concerned police station on 3rd, 4th and 5th May, 2021 between 11.00 a.m. to 1.00 p.m. as and when called for till filing of charge-sheet;

(iv) The applicant shall not tamper with the evidence. The applicant shall not cause harassment to her;

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)