

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

ANTICIPATORY BAIL APPLICATION NO. 1522 OF 2021

Anil Rajendra Supekar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shailesh Kharat, for the applicant.

Smt. Veera Shinde, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2nd JULY, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 314 of 2021 registered at Shirur Police Station, Pune, on 11/5/2021, under sections 376(2) (n), 312, 313, 417, 406, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Shailesh Kharat, learned counsel for the applicants and Smt. Veera Shinde, learned APP for the State.

3. The FIR is lodged by the prosecutrix herself. She has stated that she was married to her husband on 24/05/2002 and they had a daughter from that marriage. The daughter was 18 years of age at the time of lodging of the FIR. The FIR mentions that after birth of the informant's daughter, she separated from her husband. She started working in a private Company at Karegaon MIDC. That time the applicant was also working there. He got acquainted with the informant. In the year 2014, the applicant called her to his house. That time no one was present in the house. The informant told him that she was already married and that the applicant's parents would not give consent for their marriage. At that time, the applicant told her that he was firm in getting married with her. Because of this promise, the informant agreed to have physical relations. Thereafter they started staying together from 2014 onwards. They regularly had their physical relation. In April 2015, the informant got pregnant. The applicant gave her some pills. She consumed those pills and there was

miscarriage. It is her case that in the year 2016, they started residing at Saradwadi. The applicant continued promising to marry her and they continued with their relations. The FIR mentions that on many occasions the informant used to ask the applicant about their marriage but he used to avoid that topic by giving some excuses. Finally, on 28/04/2021, the informant gave him ultimatum but he refused to marry her and left for his village. It is further alleged that the applicant had taken some ornaments worth Rs. 60,000/- and her ATM card with him. The informant came to know that the applicant had got married. It is further alleged that the applicant's father and uncle had threatened her telephonically. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that bare reading of the FIR shows that it was a consensual relationship. Considering a long period it cannot be said that she was misled by false promise of marriage. The applicant is ready and willing to deposit

Rs. 60,000/- before the trial Court. The applicant has no objection if that amount is withdrawn by the informant.

5. Learned APP opposed the application. She submitted that the promise of marriage ultimately proved to be false. Therefore, his conduct needs to be examined. There are statements of other family members of the informant as well as statement of the house owner where the couple was residing. She submitted that the applicant does not deserve to be released on bail.

6. I have considered these submissions. I have perused statements of witnesses referred to by learned APP. Statements of brothers and father of the informant mentioned that they were aware that the applicant and the informant were staying together. They used to tell the applicant to get married with the informant but he never took steps in that behalf. Similar is the statement of the house owner.

7. Taking into account the entire narration in the FIR, it appears that it was a consensual relationship. The informant was staying with the applicant right from the year 2014. The FIR is lodged in the year 2021. The informant had got pregnant on one occasion in 2015 and even thereafter the applicant had not taken steps to get married. Therefore the informant was well aware that the applicant did intend to get married with her and yet she continued to have physical relations with him. Therefore, it is difficult to observe that it was not a consensual relationship.

8. There is some force in the submissions of learned Counsel for the applicant that even the informant had not taken any legal steps to get divorce from her husband by approaching a competent Court. To that extent, even the informant had not taken steps in getting married with the applicant. Therefore, at this stage, sufficient doubt is created about the informant's version. However, it would not be proper to observe anything

further as the investigation is still going on. It is sufficient to mention that the applicant has made out a case for anticipatory bail. Learned Counsel for the applicant also submitted that the applicant is ready and willing to deposit Rs. 60,000/- before the trial Court. The said amount is mentioned in the FIR. It is alleged in the FIR that the applicant had taken away ornaments worth Rs. 60,000/-. Therefore, this issue can be taken care of by directing the applicant to deposit that amount before the trial Court. Shri Kharat has categorically stated that the applicant has no objection if that amount is withdrawn by the informant. Considering all these aspects following order is passed:-

ORDER

- (i) In the event of his arrest in connection with C.R. No. 314 of 2021 registered with Shirur Police Station, Pune, 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 attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The applicant is directed to deposit Rs. 60,000/- before the trial Court within a period of one month. The informant is permitted to withdraw the same.
- (iv) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)