

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1203 OF 2019

Anshul Gupta

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr. Kushal Mor a/w Mr. Marmik Shah, Advocate for the Applicant.
Mr. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th JANUARY, 2021.

PER COURT:

1. This is an application for anticipatory bail in connection with C.R.No. 39 of 2019 registered with the Amboli Police Station, Mumbai, for the offences punishable under Sections 376 & 417 of the Indian Penal Code.

2. Learned counsel for the Applicant submits that the Applicant aged 33 years met the Complainant aged 29 years on facebook and they became friends. He submits that there were relations between the applicant and the complainant and that they were to get married, however, the same did not materialize. He submitted that as the marriage did not materialize, the Complainant lodged a complaint on 7th February,

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2019 alleging the aforesaid offences. He submitted that according to the Complainant, the applicant had physical relations with her on the pretext of marriage and thereafter, did not get married.

3. Learned counsel for the applicant submitted that the relationship was consensual. The applicant had attended the police station and cooperated with the investigation. He also relied upon text messages exchanged between both the sides. The applicant was granted interim protection by order dated 7th June, 2019. He was directed to report Investigating Officer.

4. Learned APP submitted that the offence under Section 376 is made out. The victim was sexually assaulted by the applicant under the promise of marriage. Under depression the victim had also attempted suicide.

5. On perusal of the First Information Report is apparent that the complainant and the applicant were acquainted with each other. There was physical relationship between them. The marriage between them did not materialize. On 3rd September, 2018 there was physical relationship between them. Even thereafter, on several occasions there was sexual relationship between complainant and the applicant. The FIR was thereafter lodged on 7th February, 2019.

The applicant has complied condition of reporting granted vide interim order. Considering the factual aspects of the matter, custodial interrogation of the applicant is not warranted. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No.1203 of 2019, is allowed;
- (ii) The interim order dated 7th June, 2019 is hereby confirmed.
- (iii) In the event of arrest of the applicant in connection with C.R. No. 39 of 2019 registered with Amboli Police Station Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (iii) The applicant shall attend the investigating officer as and when called for;
- (iv) Anticipatory Bail Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)