

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1899 OF 2021**

Siddhesh Parshuram Shinde	.. Applicant
Versus	
The State of Maharashtra & Anr	.. Respondents

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Ms.Anjali Mannapali for the applicant.
Mr. S.H.Yadav, APP for the State.
Mr. Kishore Goswami i/b Shradha Jadhav for the complainant.

**CORAM: BHARATI DANGRE, J.
DATED : 12th AUGUST, 2021**

P.C:-

1 The applicant, aged 20 years is arraigned as an accused in C.R.No. 289 of 2021 registered in Panvel City police station. The C.R. invoke Section 376 and Section 313 of the IPC at the instance of the prosecutrix, aged 23 years.

2 A reading of the complaint would reveal that she got acquainted with the applicant on account of a friend of her brother somewhere in the month of September 2020. The acquaintance transmitted into friendship and subsequently, into a love affair. When the parents of the complainant were arranging a match for her, she objected and her mother asked her to leave

the house. Thereafter, she started staying outside the house as a paying guest and continued her relationship with the present applicant. In the month of January 2021, the duo went to a resort in Panvel and when assurance was given by the applicant that he will perform marriage with her, she permitted physical indulgence. Thereafter, several instances are given when they established physical relationship, and the allegation is that this was under the promise that he will marry her. The complainant conceived as an outcome of the physical relationship but she realized that the applicant is avoiding to adhere to his promise. The pregnancy was terminated and the allegation is the mother of the applicant took her to the hospital and compelled her to terminate the pregnancy. This is the background in which the C.R is registered.

3 Bare reading of the said C.R would reveal that the relationship was consensual one, but the allegation is that the physical indulgence was permitted on account of the promise of marriage. The complainant is impleaded as respondent and an affidavit is placed on record where she state that on account of the misunderstanding, she had lodged the FIR. The said affidavit is taken on record.

4 Since *prima facie* the FIR disclose a consensual relationship, the prosecutrix being major and capable of

understanding the consequences of her act, the applicant deserve a protection from arrest subject to the following stipulation :-

O R D E R

- (a) In the event of his arrest, the Applicant – Siddhesh Parshuram Shinde in connection with FIR No. 289/21 registered with Panvel City Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall co-operate with the investigation and make himself available as and when required by the Investigating Officer.

4. The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J