

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1956 OF 2021**

Major Jaswinder Singh s/o Sujan Singh .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Kiran Kulkarni and Twinkle Nagda for the applicant.
Mr.A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 18th AUGUST, 2021

P.C:-

1 At the outset, learned counsel for the applicant seeks leave of this Court to amend the title clause of the application and correct the address of the applicant since he is presently posted in Belgaum. Leave granted. Necessary amendment be carried out forthwith.

2 By the present application, the applicant is seeking protection from his arrest in FIR No. 141/2021 registered with Vimantal Police Station, Pune, which invoke offences punishable under Section 376, 417, 420 and 495 of the IPC.

3 The complainant is aged 32 years, is resident of Pune and in an exhaustive complaint lodged by her, she allege that when she had visited Delhi for pursuing her Defence Education, she came across the applicant who was also taking coaching, but there was no interaction between them. However, after completing the training when she came to Vishakhapatnam, she received a Friend Request from the applicant on Facebook and that is how they established contact with each other. It is alleged that the applicant informed the complainant that he had joined as a Junior Commissioned Officer and details of his posting were also given. Thereafter, intimacy between the two developed and in the year 2019, when the applicant was posted at Jammu, the complainant along with her sister visited Jammu as a tourist. He attempted to establish physical contact with her and since he was drunk, when he kissed, she did not object. Thereafter, she returned to Pune and the FIR in great detail, she narrate as to when and how the intimacy took form of physical proximity. The allegation is she consented to establish physical relationship on a promise of marriage. The narration further goes, when she state that the marriage was also performed and after the marriage, they proceeded for honeymoon, and thereafter he returned to his work place whereas she was asked to return to her parents and not to disclose about the marriage.

 Ultimately, in October 2020, when the complainant visited Jammu, it was revealed upon her that the applicant is

already married having two daughters and the explanation offered by him was to the effect that he is in the process of divorcing his wife.

4 This resulted in registration of C.R.No. 141 of 2021 which is filed on 20th May 2021. No reason is apparently cited in the said complaint as to the time consumed in approaching the police, particularly when her allegation is that in October 2020, it was revealed that the applicant was already married and she was cheated. The complainant herself is a major, capable of understanding the consequences of her act, and her allegation is on the pretext of marriage, the applicant indulged with her physically and concealed the fact of his earlier marriage from her and he solemnized the marriage with her. The nature of accusations levelled in the complaint, in my considered opinion, do not warrant any custodial interrogation as the facts clearly surfaced clearly in the complaint. The applicant is serving in the Army and it is expected that he will render all his co-operation by reporting to the Investigating Officer as and when called. The applicant therefore, deserve a protection. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant - Major Jaswinder Singh in connection with FIR No.141/21 registered with Vimantal Police

Station shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- 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 make himself available as and when required by the Investigating Officer.

The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J