

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1148 OF 2020

Sushant Damodar Mhatre	Applicant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION NO.192 OF 2021

Anjali Arjun Ravnak	Intervenor
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In the matter between :

Sushant Damodar Mhatre	Applicant
versus	
The State of Maharashtra	Respondent

Mr.M.J.Bhatt for applicant.
Ms.Anamika Malhotra, APP for State.
Ms.Priyanka Chavan i/by Kaleeyantey Law Firm for intervenor.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st January 2021

PC :

1. This is an application for anticipatory bail in connection with CR No.I-276 of 2020 registered with Koparkhairane Police Station for offences u/s.376 and 500 of Indian Penal Code. The FIR was lodged on 24th November 2020.

2. The case of the complainant is that she was acquainted with the applicant. Applicant told her that one criminal case is pending against him and nobody is willing to marry him. He represented to

her on facebook message that he is willing to marry the complainant. Subsequently on 15th March 2020 the applicant called the victim at his house. He promised her that he would marry with her and although complainant was reluctant, she was induced to indulge into physical relationship. Subsequently the applicant refused to perform marriage. The complainant was also informed by another girl that accused had made similar promises to her. It is also alleged that applicant has defamed the complainant.

3. Learned counsel for applicant submitted that applicant has been falsely implicated in this case. Assuming that allegations are true, the relationship was of consensual nature. The alleged incident had occurred on 15th January 2020 and the FIR was lodged on 24th November 2020. The applicant is willing to co-operate with the investigation.

4. Learned APP submitted that the accused had made false promises of marriage and had physical relationship with the complainant. The FIR shows that he was involved in criminal case in past. Similar promise was made to another victim by applicant.

5. Learned counsel for intervenor submits that the victim was induced with false promise of marriage. The applicant has also indulged in defaming the complainant. He has already given such promises to another girl.

6. On perusal of the FIR it is apparent that the applicant and the complainant were acquainted with each other from November-2019. The alleged incident had occurred on 15th January 2020. The

allegation is that the complainant had physical relationship under the false promise of marriage. The FIR was lodged on 24th November 2020. Considering the nature of allegations, custodial interrogation of applicant is not necessary. However, he is directed to co-operate with the investigation and stringent conditions can be imposed upon him. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.1148 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.I-276 of 2020 registered with Koparkhairane Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- (iii) The applicant shall appear before the Investigating Officer on 28th, 29th and 30th January 2021 between 11 am and 1 pm and thereafter as and when call for, and shall co-operate with investigation;
- (iv) The applicant shall not tamper with the evidence and shall not approach the complainant or indulge in any act of tampering or causing defamation of complainant in any manner;
- (v) Interim Application No.192 of 2021 disposed of.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST