

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

**ANTICIPATORY BAIL APPLICATION NO.2072 OF 2021**

Mr. S. Raja Saravanan

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

...

Mr.L.M. Shukla, Advocate for Applicant.

Mr. S.H. Yadav, A.P.P. for the State-Respondent.

API. Pravin Nimbalkar, Dahisar police station, present.

...

**CORAM : PRAKASH D. NAIK, J.  
DATE : 29<sup>th</sup> SEPTEMBER, 2021**

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**PC.**

1. This is an application for anticipatory bail in C.R. No.942 of 2021 registered with Dahisar Police Station for the offences punishable under Sections 376(2)(N), 417 of the Indian Penal Code (for short "IPC").

2. The First Information Report was registered on 02.08.2021. The complainant is aged about 32 years. She got acquainted with applicant in the year 2016. Thereafter, they developed friendship. Messages were exchanged. In 2017 onwards, they met frequently. They have decided to perform marriage. The applicant was introduced to the family members of the complainant. There was physical relationship between

them. According to the complainant, it was without her consent. In March 2018 again there was physical relationship between them. There were incidents of physical relationship at different places. Complainant has also parted amount to the applicant to the tune of Rs.1,40,000/-. As per the FIR amount of Rs.80,000/- was returned to the complainant. Gold ring was gifted to the applicant by the complainant.

3. The applicant was granted interim protection vide order dated 03.09.2021. While granting interim protection, it was observed that the complainant had possessed mental capacity to actively understand the nature of circumstances and consequences of act, to which she had consented.

4. Learned counsel for the applicant submitted that as per complaint amount of Rs. 80,000/- has been returned to complainant. Without prejudice to his rights and defense, he is willing to deposit the balance amount of Rs.60,000/- in this Court. The applicant is also willing to return the gold ring to the complainant.

5. From the tenor of FIR, it is apparent that the relationship was of consensual nature. There were incidents of physical relationship. Custodial interrogation of the applicant is not necessary.

**ORDER**

- (i) Anticipatory Bail Application No.2072 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in C.R. No.942 of 2021 registered with Dahisar police station, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall appear before the Investigating Officer on 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> October, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called for.
- (iv) The applicant shall deposit the amount of Rs.60,000/- in this Court within six weeks from today.
- (v) The amount deposited be transferred to the trial Court after the charge-sheet is filed in this case and the trial Court would deal with such amount in accordance with law at appropriate stage of proceeding.
- (vi) The applicant shall hand over the gold ring to the investigating Officer and panchnama in that regard be recorded.
- (vii) The applicant shall not tamper with evidence.

**(PRAKASH D. NAIK, J.)**