

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

ANTICIPATORY BAIL APPLICATION NO. 2082 OF 2021

Nitin Indramohan Dahire	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Dayanand Awari for the Applicant.
Mr. Y.M. Nakhwa, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 24th SEPTEMBER, 2021.

P. C. :-

. The Applicant is seeking Anticipatory Bail in connection with C.R.No.367/2021 registered with MIDC Bhosari Police Station, Taluka Haveli, Dist. Pune for offences punishable under sections 376(2)(n) of the Indian Penal Code.

2. Heard Mr. Dayanand Awari, learned counsel for the Applicant and Mr. Y.M. Nakhwa, learned APP for the State.

3. The First Information Report (for short 'the FIR') is lodged by Poonam Sachin Dunghav on 19/07/2021. She was 26 years of age at the time of lodging of the FIR. She has stated that she was a married lady and her husband has left her since past six years. She got acquainted with the Applicant in December, 2019. Their acquaintance

turned into love affair. They had their first sexual intercourse in January, 2020. Thereafter, they were in relationship. The FIR mentions that they were residing together. During their stay together, she got pregnant. There was some quarrel between the Applicant and his brother and therefore the informant and the Applicant started residing at Dhawade Vasti, Bhosari. The FIR also mentions that the Applicant helped her in getting medical treatment in August, 2020. In December, 2020, she delivered baby boy. The informant reminded him of his promise that he would marry her but the Applicant did not take any steps in that behalf. He used to avoid discussing about marriage. He told her that his family members would oppose their marriage. Thereafter, in March, 2021, there was a quarrel between the informant and the Applicant. Because of their constant quarrels, the landlord asked them to vacate the premises. In April, 2021, they went to different society. There quarrels occurred more frequently. The Applicant did not marry her. Finally, on 08/06/2021, she asked him whether he was going to marry her or not. He refused. Since he did not marry her, the first informant lodged the complaint.

4. Mr. Dayanand Awari, learned counsel for the Applicant submitted that the bare reading of the FIR shows that the Applicant was in live in

relationship with the informant and she was under no misconception of facts. He therefore submitted that the custodial interrogation of the Applicant is not justified.

5. Learned APP opposed this Application and submitted that it is a clear case of breach of promise to marry. The informant had consented to have physical relationship only on the Applicant's promise and inducement to marry.

6. I have considered these submissions. It does not appear from the allegations that the informant was under any misconception of fact. Their association was quite long. The physical relationship was with consent. The informant then delivered their child. The FIR also mentions that there was a quarrel and that led to filing of the FIR.

7. Considering the nature of the allegations, it is difficult to observe that any offence is committed by the present Applicant. He had even taken good care of the informant when she was pregnant. In this background, custodial interrogation of the Applicant is not necessary. He can be protected by an order of Anticipatory Bail. Hence, the following order :-

ORDER

(a) In the event of his arrest in connection with

C.R.No.367/2021 registered with MIDC Bhosari Police Station, Taluka Haveli, Dist. Pune, the Applicant is directed to be released on bail on furnishing P. R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

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(SARANG V. KOTWAL, J.)