

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

ANTICIPATORY BAIL APPLICATION NO.1884 OF 2019

Gopichand Tanaji Pawar Applicant
Versus
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.1221 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.1884 OF 2019**

None for the Applicant.
None for the Intervenor.
Mr. Ameet A. Palkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th AUGUST, 2021**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.472/2019 dated 9.7.2019 registered at Satara City Police Station, under sections 354-D and 376 of the Indian Penal Code.
2. Today nobody appears for the applicant as well as for the intervenor. But I have perused the papers and I have heard learned APP. I have also perused the earlier orders passed in this application.

3. The FIR is lodged by the prosecutrix herself on 9.7.2019. She has stated that she was 33 years of age at the time of lodging of the FIR. She was married to her husband on 31.5.2005 and they had two sons. The FIR mentions that there used to be frequent quarrels between the informant and her husband. Therefore, the informant used to regularly visit her parents in Satara. She has admitted in the FIR that she was knowing the applicant since before her marriage. In December, 2017 after a quarrel with her husband, she came back to her parent's place at Satara. The applicant called her telephonically. He told her that he was aware that she had matrimonial dispute with her husband. The applicant suggested that she should not stay with her husband and instead the applicant and the informant could be in a relationship. He promised that he would look after her sons and that he would get a job for her. The informant told him that she would think about that proposal. The applicant pursued her relentlessly. Because of her marital discord, she became close to the applicant and their meetings also became frequent. Around April–May, 2018, the applicant called her to

his house and at that time inspite of her reluctance they had their first physical relations. The applicant was demanding to keep relations frequently and the informant was having physical relations with the applicant on such occasions. However, the applicant was avoiding the topic of marriage. He used to tell her that after she obtained divorce from her husband, he would marry her. On 7.6.2019, the informant obtained divorce from her husband. Then in June, 2019, when the informant and the applicant had gone for a long drive she again asked him about the marriage, but, the applicant refused straightaway and thereafter started avoiding to meet her. On this basis, the FIR is lodged.

4. The applicant was protected by interim order on 28.8.2019. Learned APP, on instructions, stated that as the charge-sheet in this case is already filed, the applicant's custodial interrogation is not necessary.

5. The FIR itself clearly mentions that it was a consensual relationship and every time the informant was a willing participant. However, at this stage, it would not be proper to comment anything further on that aspect because it

would still be a matter of trial. At this stage, however, the applicant has sufficiently made out a case for grant of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.472/2019 registered with Satara City Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly. With disposal of this application, Interim Application No.1221/2019 does not survive and is also disposed of.

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by
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Deshmane (PS)

(SARANG V. KOTWAL, J.)