

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

ANTICIPATORY BAIL APPLICATION NO.1998 OF 2019

Abhay Mahendra Lade Applicant
Versus
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.1023 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.1998 OF 2019**

Mr. Ganesh Bhujbal, Advocate for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.
None for the Intervenor in IA/1023/2020.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.336/2019 registered at Karad Taluka Police Station, District-Satara under Section 376 of the Indian Penal Code.
2. This application is pending since 2019. On 16.9.2019, interim order was granted in favour of the

Applicant on the basis of the submissions made and also on the ground that the investigating officer did not have papers of the investigation. After that, the prosecutrix has filed an intervention application pointing out the harassment caused to her.

3. Present application is pending since long time. The allegations are serious and, therefore, I am deciding this application today.

4. Heard Shri Ganesh Bhujbal, learned Counsel for the Applicant and Shri Ajay Patil, learned APP for the State. None present for the intervenor.

5. The FIR was lodged by the prosecutrix herself on 20.8.2019. She has stated that she was married to her first husband, who had died ten years prior to lodging of the FIR. Thereafter, she got married to her second husband, but, because of the disputes she started residing separately. Taking advantage of her loneliness, the Applicant contacted her and started friendship with her. After his continuous persuasion,

there was love affair between them. The prosecutrix has stated in her FIR that the Applicant had promised to marry her. Because of such promise, she consented to have sexual relations with him. The FIR describes various instances when they had their physical relations. She has categorically stated that on every occasion he used to promise that he would marry her. Because of their physical relations, she got pregnant. She told this to her parents and in turn to the Applicants parents. But even after that the Applicant or his family did not take any steps to perform marriage between the Applicant and the prosecutrix. The Applicant did not marry her and she realized that his promise was false and his intention was always dishonest.

6. The prosecutrix has filed intervention application. In that application, she has stated that she gave birth to a female child. The Applicant still did not take this responsibility and kept torturing the prosecutrix. He used to enter the house of the prosecutrix and used to issue threats. She has even lodged an N.C. complaint against the Applicant

in respect of an incident dated 15.11.2019.

7. Shri Bhujbal submitted that the FIR itself shows that it was a consensual relationship and the prosecutrix was knowing the consequences of her acts. He, therefore, submitted that no offence is made out against the present Applicant and he deserves the protection of anticipatory bail. He submitted that the Applicant is on interim protection since past many months and after this period his custodial interrogation is not necessary. He has cooperated with the investigating agency and has even given his blood samples.

8. Learned A.P.P, on the other hand, opposed this application. He submitted that the Applicant never intended to marry the prosecutrix. There was a age difference between the prosecutrix and the Applicant. The prosecutrix was 32 years of age and the Applicant was 25 years of age. He submitted that the NC lodged by the prosecutrix also shows that the Applicant is avoiding to take responsibility of their child and also harassing her. For all these reasons, he submitted that no case is made out for grant of anticipatory

bail.

9. I have considered all these submissions and the subsequent development after passing of interim order. The prosecutrix has given birth to a child. The Applicant has not even taken responsibility of their child. The subsequent conduct of the Applicant shows that he never intended to marry the Applicant and that the physical relations were kept on false promise, which he never intended to fulfill. Subsequently there are allegations that the Applicant was harassing the prosecutrix and was also threatening her.

10. In this view of the matter, considering the gravity of these allegations, protection of anticipatory bail cannot be granted to the Applicant. Therefore, the Application is rejected. With rejection of present Application, nothing survives in Interim Application No.1023/2020 and same is also disposed of.

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Pradeepkumar
P. Deshmane
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(SARANG V. KOTWAL, J.)

Deshmane (PS)