

DDR

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

ANTICIPATORY BAIL APPLICATION NO.2598 OF 2019

Rohidas Nathu Khatape .. Applicant

vs.

The State of Maharashtra .. Respondent

Mr. Satyavrat Joshi for the Applicant.

Mr. N.B. Patil, APP for the State.

PSI Sanaita Gode, WaKad Police Station present.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 30, 2021

P.C.

Heard learned counsel for the applicant.

2. This is an application for pre-arrest bail in respect of the Crime No. 1043 of 2019 registered with the Wakad Police Station, Pimpri-Chinchwad, Pune, for the offences punishable under Sections 376, 313, 323, 504, 506 of the Indian Penal Code.

3. The case of the complainant is that she got acquainted with the applicant. The applicant, thereafter, demanded amount of Rs.1 lakh from her as loan. Thereafter, he kept on chasing her. In August, 2011, there was physical relationship between them, which continued subsequently. Both of them visited hotels and there was physical relationship. The complainant gave Rs.15 lakhs to the applicant. It is also alleged that the applicant had forced her to undergo abortion.

4. Learned counsel for the applicant pointed out that notice was issued by the complainant through her Advocate in respect of dishonour of cheque. He submits that version of the complainant is contradictory to the averments made in the complaint.

5. Learned APP submitted that the investigation reveals that the couple visited several lodges. Even the statement of the Doctor who performed the abortion, has been recorded during the course of the investigation. The statement of the doctor mentions that the abortion was conducted twice and the applicant was accompanying the victim once and on another occasion some other lady accompanied her. Since prior to their relationship, the complainant and the applicant are both married and residing with their respective families. The relationship developed between them post 2011. From the allegations made, which the applicant completely denies, it is seen that the complainant and the accused shared a consensual relationship. The applicant has reported to the investigating officer in terms of the directions issued by this Court on 27/11/2019. The applicant stands protected by an interim protection granted by this Court since 27/11/2019 and co-operated with the investigation.

6. Considering the nature of allegations and the materials on record, in my opinion, the custodial interrogation of the applicant is not required. Hence the following order.

ORDER

- i. The interim order dated 27/11/2019 is confirmed.
- ii. In the event of arrest of the applicant, in connection with Crime No. 1043 of 2019 registered with the Wakad Police Station, Pimpri-Chinchwad, Pune, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount.
- iii. The applicant shall report to the investigating officer as and when called.
- iv. The applicant shall not try to contact the complainant or influence the witnesses in any manner.
- v. The applicant to furnish his contact details and the residential address and report any change immediately to the investigating officer.
- vi. The application is disposed of.

(M.S.KARNIK, J.)

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2021.08.30
17:41:59
+0530