

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2639/2019**

Shivparimal Chinnatambi

**.....Applicant/
Orig. Accused****V/s.**

State of Maharashtra

**....Respondent
Orig. Complainant***** * * ***

Mr. Ajeet Manwani i/by. A & A Legal, Advocate for the
applicant.

Mr. H.J. Dedhia, APP for State.

**CORAM : SANDEEP K. SHINDE, J.
(Video Conference).**

Friday, 20th August, 2021.

P.C. :

1. Heard learned Counsel for the applicant and
learned APP for State.

2. Applicant seeks pre-arrest bail in connection
with Crime No.616/2019 registered with Ambernath Police
Station for the offences punishable under Sections 376, 313
and 406 of the Indian Penal Code.

3. It is apparent from the First Information Report that, applicant's and complainant's love for each other grew and matured over sufficient period of time, atleast from 2013 to 2019. Physical relations that followed was not isolated but regular over years. Alleast on two occasions, i.e. in 2016 and 2017, the fetus was aborted. Even thereafter in July, 2019, she celebrated birthday of the applicant. Thereafter, applicant avoided to respond complainant's call. She would allege that, applicant was likely to marry another lady. Thus, she alleged that the applicant, under the guise to marry her, sexually exploited her from time to time. However, his promise has turned out to be a 'false promise'. On this report, the First Information Report was lodged against the applicant.

4. It is apparent from the First Information Report, that relations were consensual and her consent was not obtained by fraud or coercion. Whether it is the case of false promise to marry or breach of promise, could be ascertained after the evidence is led. Besides, after granting interim protection to the applicant by this Court on 2nd September, 2019, the applicant has extended co-operation in the investigation.

5. For the reasons stated above, in my view, custodial interrogation of the applicant, will not further the case of the prosecution case. The application is granted. Hence, the following order :

ORDER

(i) In the event of arrest of the applicant in Crime No. 616/2019 registered at Ambarnath Police Station, he shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer as and when required till further orders and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the

complainant, witnesses or any person concerned with the case.

6. The application is accordingly allowed and disposed off.

7. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2021.08.23
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(SANDEEP K. SHINDE, J.)