

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

ANTICIPATORY BAIL APPLICATION NO. 173 OF 2022

Mr.Vicky Jyoti Singh @ Nepali

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Kedar Patil i/b. Sakshi Kadam i/b. Jitesh Mundhawa for Applicant.

Ms.Rutuja Ambekar, APP for State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 22 MARCH 2022

P.C. :

. This is an application under Section 438 of Cr.P.C. filed by the Applicant seeking pre-arrest bail in C.R.No.I-1344/2021 registered with Waliv Police Station for the offences under Sections 376(2)(n), 420, 506 of IPC.

2. The aforesaid crime was registered pursuant to an FIR lodged by the prosecutrix alleging that the Applicant herein had physical relationship with her and had also borrowed money on a false promise of marriage.

3. Learned Counsel for the Applicant states that the material on record does not *prima facie* disclose offence under Section 376 of IPC. He states that the Applicant had taken loan of Rs.6,75,000/- from the complainant out of which he had paid Rs.5,47,000/-. He states that the Applicant is ready to pay to the complainant sum of Rs.1,28,000/- in two

instalments. He states that 50% of the amount will be paid within three weeks and the balance amount will be paid in two weeks thereafter.

4. The material on record *prima facie* indicates that the prosecutrix, aged about 23 years, was in love with the Applicant. There relationship was consensual. Hence, *prima facie* offence under Section 376 is not made out.

5. As regards offence of cheating, as noted above, learned Counsel for the Applicant made a statement that the amount payable to the complainant will be paid in two installments, i.e. 50% within three weeks and the balance in two weeks thereafter.

6. Considering the above facts and circumstances, in my considered view, no purpose will be served by subjecting the Applicant to custodial interrogation.

7. Hence, the application is allowed.

(a) In the event of arrest of the Applicant in I-1344/2021 registered with Waliv Police Station, the Applicant be released on bail on furnishing bail bonds in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties in the like amount.

(b) The Applicant shall deposit 50% of the amount before this court within three weeks and the balance amount within two weeks thereafter.

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with evidence in any manner.

(d) The Applicant shall report to the Investigating Officer as and when required by the Investigating Agency.

(e) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and/or change of residence or mobile details, if any, from time to time.

(SMT. ANUJA PRABHUDESSAI, J.)