

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

ANTICIPATORY BAIL APPLICATION NO.396 OF 2022

Haresh Suresh Salunkhe Applicant

versus

State of Maharashtra Respondent

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- Mr.Dheeraj Panchange, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.8/2022, dated 12/01/2022, registered with Central Police Station, Thane City, under sections 376, 420 of the Indian Penal Code.
2. Heard Mr.Dheeraj Panchange, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State.
3. The FIR is lodged by the prosecutrix herself. She has stated that she was a married lady and has a 15 year old

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daughter. The informant was working as a Nurse in a hospital at Ulhasnagar. Her husband had left her about 15 years ago. In 2019, in the month of February, the Applicant used to come to a hotel near her hospital. He got acquainted with the informant. Their acquaintance grew into friendship and then the friendship turned into love affair. It is her specific case that the Applicant had told her that he was not married and tried to get intimate with her. In August 2021 he came to stay with the informant. He told that his family members had gone out for 3-4 days. They had their first physical relations on that day. It is her case that the Applicant had told her that he would marry her. There used to be regular physical relations between them. In October 2021 on some pretext he took Rs.1,60,000/- from her. In December 2021 the Applicant was with the informant in her house. At that time Applicant's wife and police officer came to informant's house. The Applicant's wife started abusing the informant. At that time, the informant came to know that the Applicant was married. The Applicant and the informant were taken to police station. They were allowed to go after warning. The informant

has further mentioned that the Applicant was feeling sad that he had lost his gold chain. The informant thereafter gave her own gold chain to him. On that day, he stayed with the informant and on the next day the Applicant and the informant eloped to Ahmednagar. There they started working. The Applicant took the job of a cook and the informant took the job of helper in a hotel. They stayed there till 21/12/2021. During that time, the Applicant was missing his wife and children. Therefore finally they came back to Ulhasnagar. The Applicant went to his family. On 23/12/2021 the Applicant gave Rs.40,000/- to the informant and told her that he was ending their relationship. According to the first informant, she had consented for physical relations only on the promise of marriage. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the FIR shows that it was a purely consensual relationship.
5. Learned APP opposed this application based on the contents of the FIR.

6. I have considered these submissions. Reading of the FIR, as a whole shows that assuming that the informant was not aware about the Applicant's marital status initially; but when she came to know that he was already married, even thereafter she kept the relations with the Applicant. Even thereafter they eloped together to Ahemdagar. Therefore it cannot be accepted that the informant had kept physical relations only on promise of marriage. The FIR itself shows that in spite of knowing that the Applicant was married, the informant had willingly kept physical relations with the Applicant. Thus, it appears that it is a consensual relationship and therefore custodial interrogation of the Applicant is not justified. He deserves protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.8/2022, dated 12/01/2022, registered

with Central Police Station, Thane City, 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) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)