

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

**ANTICIPATORY BAIL APPLICATION NO.649 OF 2022
WITH
INTERIM APPLICATION NO.1064 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.649 OF 2022**

Ashish Yashwant Kolekar

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Ms Anjali Awasthi for the Applicant.

Mr. Sainath S. Gawli for the Applicant in IA/1064/2022

Ms. S.S. Kaushik, APP for Respondent-State.

Ms Vidya Londe, PSI, Manpada Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.PC. for pre-arrest bail in C.R. No.105 of 2022 registered with Manpada Police Station, District -Thane, for offences punishable under Sections 376 and 376(2)(n) of the IPC.

2. Heard Ms Anjali Awasthi, learned counsel for the Applicant, Mr. Sainath S. Gawli, learned counsel for the Intervenor and MS.S. Kaushik, learned APP for Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the

respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. The FIR reveals that she had met the Applicant in March-2020 on a dating App. After regular interaction they developed friendly relation and later since June-2020 they indulged in sexual relationship. The prosecutrix has lodged the FIR on 13/02/2022 alleging that the Applicant has blocked her and has now refused to marry her.

4. The prosecutrix is 31 years old. The relationship between the prosecutrix and the Applicant was prima facie consensual. Hence, offence under Section 376 of the IPC is prima facie not made out.

5. Considering the nature of accusations in my considered view this is not a fit case for custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.105 of 2022 registered with Manpada Police Station, District -Thane, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties to the like amount;

- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer and co-operate with the investigation;
- (iii) The Applicant shall handover his mobile handset to the investing officer for the purpose of investigation;
- (iv) 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;
- (v) The Applicant shall not interfere with the Complainant in any manner;

6. The application stands disposed of.

7. In view of the disposal of the anticipatory bail application, the interim application does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)