

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 726 OF 2022

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Date: 2022.03.19
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Rahul Siddharth Kamble

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Rahul Arote for the Applicant.

Mr. S.R.Agarkar, APP for the Respondent/State.

API Amol Shinde, Nhava Sheva Police Station.

CORAM : C.V. BHADANG, J.

DATE : 17 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 32 of 2022 registered with Nhava Sheva Police Station, Dist. Raigad under Section 376 (1), 376(2) (n), 323 and 504 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 23.02.2022 lodged by the informant/victim who is a girl aged about 22 years. She claims to be a dancer. She got acquainted with the Applicant and according to her, the Applicant had proposed her for marriage and they had decided to get married. On such a promise of marriage, the Applicant had

sexual intercourse with the informant on multiple occasions during the period from June 2021 to 31.12.2021 i.e. for a period of six months, after which the Applicant refused to marry the informant.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant has produced marriage invitation card claiming that the Applicant on getting engaged to a different girl, the complaint came to be lodged.

5. A perusal of the FIR shows that the sexual relations between the Applicant and the informant continued for a period of six months from June 2021 to 31.12.2021. From the bare perusal of the FIR, there is a serious doubt whether there was any element of coercion or force at the instance of the Applicant. Prima facie, it appears that the relationship was consensual in nature, the informant being a major girl, having attained the age of consent.

6. The learned APP on instructions from the Investigating Officer states that the Applicant may be directed to join the investigation inasmuch as there is no recovery as such to be made from the Applicant.

7. In such circumstances, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 32 of 2022 registered with Nhava Sheva Police Station, Dist. Raigad, the Applicant **Rahul Siddharth Kamble** be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 28 and 29 March 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The Applicant shall surrender his mobile phone, if required by the Investigating Officer.

v) The Applicant shall not directly or indirectly make any attempt to contact the informant and any of the prosecution witnesses.

vi) The Criminal Application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)