

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

ANTICIPATORY BAIL APPLICATION NO. 1163 OF 2022

Vishal Babu Gupta	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Sudip Pasbola, Sr. advocate with Ms. Shakuntala Sharma
and Ranjith Aithe for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Gautam Panchal for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 27th APRIL, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. for pre-arrest bail in C.R.No.213/2022 registered with Sahar Police Station for offences punishable under sections 376, 377 of the Indian Penal Code.

2. Heard Mr. Pasbola, learned senior counsel for the Applicant, Mr. Gautam Panchal, learned counsel for the Intervenor and Ms. Rutuja Ambekar, learned APP for the State. I have 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 First Information Report (FIR) lodged by the prosecutrix. A perusal of the FIR reveals that the prosecutrix was working in a company 'M/s. Serenity Swasthyam Pvt. Ltd'. The Applicant was known to one of the Directors and used to visit the company. The Applicant and the prosecutrix came in contact with each other and fell in love with each other.

4. The prosecutrix states that on 15/05/2021 or 16/05/2021, they had stayed at Leela Hotel and indulged in sexual relationship. The FIR reveals that thereafter they continued to do so several times. The prosecutrix has alleged that some time in June, 2021 they had been to Khid Kaleshwar Temple when they exchanged garlands and the applicant made her believe that they were married. She claims that four days thereafter, she learnt that the Applicant was already married and the 1st marriage was still subsisting. The FIR reveals that despite knowing that the Applicant is a married man, the prosecutrix continued to have physical relationship with him. She was pregnant and twice the pregnancy was terminated. Subsequently, the Applicant refused to marry the prosecutrix and it is only thereafter that the prosecutrix has lodged the FIR.

5. The relationship is between two adults and appears to be consensual. This is not a case which would justify custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.213/2022 registered with Sahar Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer on 2nd and 4th May, 2022 between 11:00 a.m. to 02:00 p.m.

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

6. The Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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