

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1325 OF 2022**

Alpesh Rajendrasinh Chauhan .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Niranjan Mundargi i/b Mr.S.R.Mithare for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

PSI Mr.Datta Chorkar attached to Tilak Nagar Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 21st JUNE, 2022

P.C:-

1. Heard learned counsel Mr.Mundargi for the applicant, who is apprehending his arrest in C.R.No.346 of 2022 registered with Tilak Nagar Police Station, invoking Sections 376(2)(n) of the I.P.C.

2. Perusal of the F.I.R., brought on 29/04/2022 by the prosecutrix, would reveal that the occurrence of the offence is spread over for a decade and to be precise, from 30/06/2012 to

29/04/2022. The prosecutrix, who is aged 52 years, has stated that she was introduced to the applicant via facebook. The proximity developed into them, resulted in establishing physical relationship and even they intended to perform marriage. As per the complaint, the complainant was aware that the applicant is a married person, but the accusations faced by him is that there was promise of marriage on part of the applicant by obtaining divorce from his first wife, but he failed to maintain his promise.

3. Considering the nature of accusations faced by the applicant and considering the narration in the complaint, which *prima facie*, disclose the sexual relationship being consensual one between the two adults, capable of understanding the consequences of their act, the applicant deserves a protection. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.346 of 2022 registered with Tilak Nagar Police Station, applicant-Alpeshh Rajendrasinh Chauhan shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall report to the concerned police station as and when called for.

(d) The applicant shall not make any attempt to establish contact with the prosecutrix in any manner.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)