

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1584 OF 2022

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Abhijeet Dattatray Ghadge .. Applicant

Versus

The State of Maharashtra .. Respondent

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Ms.Sabila Ansari with Aisha Shaikh for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

PSI Shri V.B.Kolurkar attached to Powai Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 20th JUNE, 2022

P.C:-

1. The applicant is apprehending his arrest in C.R.No.640 of 2022 registered with Powai Police Station, invoking Sections 376(2)(n), 420, 313 and 504 of the I.P.C.

The complainant, who is aged 26 years, approached to the police station on 07/06/2022, subsequent to which C.R.No.640 of 2022 came to be registered. Perusal of the FIR would reveal that the occurrence of offence is narrated from 01/01/2018 till 31/01/2022 and the FIR is lodged on 07/06/2022.

2. A careful reading of the complaint would reveal that the complainant is a divorcee and she specifically narrated that she acquainted with the applicant, since they used to travel in the same bus and the acquaintance culminated into exchanging the numbers and both of them established contact with each other on telephone and via messages. The proximity further developed and they started meeting each other, with the complainant specifically stating that both of them were in love with each other. The first incident of sexual indulgence narrated by her is of November, 2018 and at that time, she says that on account of close proximity, she allowed it and, thereafter, the allegation is that repeatedly he was demanding sexual favours and left with no other option, she succumbed to his demands. At one point of time, when she conceived, she was asked to consume the tablet to terminate the pregnancy. The narration in the FIR continued upto February, 2022, with the allegation that the complainant was insisting the applicant to perform marriage with her, but he avoided.

3. In the wake of the aforesaid accusations faced by the applicant, since it is apparent that the relationship maintained between the two was, *prima facie*, consensual in nature, custodial interrogation of the applicant is not warranted.

It is informed by the learned A.P.P. that the complainant has even refused to undergo the medical examination, despite insistence by the Investigating Officer. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.640 of 2022 registered with Powai Police Station, applicant-Abhijeet Dattatray Ghadge 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 on every Thursday and Friday between 10.00 a.m. to 2.00 p.m. for a period of two weeks and, thereafter, as and when called for.
- (d) 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.)