

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1602 OF 2022**

Deepak S/o Atmaram Shedge ..Applicant

Versus

State of Maharashtra & Ors. ..Respondents

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Mr. Abhishek Kulkarni, for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent No.1/State.

Ms. Maya Mujumdar, for the Respondent No.2.

Mr. K. S. Gawari, PSI, Sangavi Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 21st SEPTEMBER, 2022

PC.

1. Applicant is seeking pre-arrest bail in Crime No.15 of 2022 registered in Sangvi Police Station for the offence punishable under Sections 376, 420, 406 of IPC.

2. Case of the prosecution is, applicant won confidence of victim/non-applicant, kept physical relationship with her and refused to marry. He has extorted money from the victim and tried to blackmail her on the basis of photographs. As such, the offence under Sections 376 and 420 of IPC came to be registered.

3. Learned APP assisted by counsel for the complainant have opposed prayer of the applicant on the ground that applicant has acknowledged the liability of Rs.6,00,000/- by entering into an MOU. It is further claimed that there are similar type of antecedents against the applicant. The fact remains that the

complainant has not mentioned anything about acknowledgment of liability by the applicant and the execution of MOU. The MOU is also not part of the investigation papers.

4. Apart from above, it is to be noted that the last contact by the applicant to the complainant as could be inferred from the FIR is on 30th September, 2019.

5. As such, from 30th September, 2019, there appears to be no steps taken by complainant for lodging FIR. In the aforesaid background, it cannot be said that the applicant has established relation with the complainant under the promise of marriage rather the relationship appears to be consensual.

6. That being so, in the event of arrest, applicant is directed to be released on bail on furnishing PR bond of Rs.15,000/- with one or more sureties in the like amount.

7. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

8. Applicant shall attend the Investigating Officer from 26th September, 2022 to 30th September, 2022 between 10.00 a.m. to 12.00 noon.

9. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]