

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1689 OF 2022

Kishor Aandres Shelke ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Nitin Gaware Patil for Applicant.
Mr. A. A. Palkar, APP for Respondent No.1-State.
Mr. S. J. Khot, PSI, Vadgaon Maval Police Station.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 15, 2022

P.C. :

Applicant is seeking pre-arrest bail in Crime No.100 of 2022 registered with Vadgaon Maval Police Station, District - Pune (Rural) for the offence punishable under Section 376(2)(n) of the IPC.

2. The victim, who is a public servant working as a nurse, claimed to have developed affection with the applicant and was in physical relationship with him since April, 2015 till October 2021.

3. It is claimed by the complainant that the applicant had promised to marry the victim, and as such, she had permitted to have physical relationship. Having learned that the applicant got married in the year 2022, she felt deceived and lodged complaint.

4. The claim put forth by counsel for the applicant is, it was a consensual relationship. According to him, since the year 2015 till 2021, the victim had not raised any objection to the relationship and it is only after the marriage of the applicant, the victim has come out with the baseless allegations.

5. The prayer is opposed by APP on the ground that the investigation establishes a long standing affair of the applicant with the victim.

6. I have appreciated the said submissions.

7. The fact that the applicant was having affair with the victim from April 2015 till 2021 is not disputed by the applicant. However, it is claimed by the applicant that such relationship was a consensual. So as to substantiate the said claim, he has relied on the *WhatsApp* chat / communication, etc.

8. There appears to be substance in the aforesaid submissions of the applicant.

9. Apart from the above, the applicant, who is a permanent teacher working in the aided school, is very much available for the investigation. Even the APP informs that the applicant has co-operated in the investigation.

10. That being so, the ad-interim protection ordered by this Court stands confirmed.

11. In the event of arrest of the applicant in Crime No.100 of 2022 registered with Vadgaon Maval Police Station, District - Pune (Rural) for the offence punishable under Section 376(2)(n) of the IPC, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount. Applicant shall attend the Investigating Officer from 23rd to 29th September, 2022 between 10:00 a.m. and 12 noon and thereafter as and when directed by the Investigating Officer. The said applicant shall not directly or indirectly try to influence the prosecution witnesses and tamper with the evidence.

12. Application is disposed of accordingly.

(NITIN W. SAMBRE, J.)