

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2020 OF 2022

Amar Vilas Kamble .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Satyavrat Joshi i/b Mr.Anshuman R. Asare and Mr.Ankur Pahade for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 28th JULY, 2022

P.C:-

1. At the outset, learned counsel Mr.Joshi appearing for the applicant, on being confronted with the incorrect version of the F.I.R. in the typed copy, seeks permission to remove the same. He is permitted to do so forthwith.

2. The applicant is apprehending his arrest in connection with C.R.No.I-933 of 2022 registered with Khar Police Station, which invokes the offences punishable under Sections 376(2) (n), 376 and 417 of the I.P.C.

3. The complainant, a woman aged 27 years, reported about the occurrence of the events from 20/08/2019 to 14/06/2022 and she alleged that, she was acquainted with the applicant, while she was working in RTO office, when the applicant approached the office for obtaining a licence. The acquaintance took shape of friendship, which was further strengthened by a promise of marriage at the instance of the applicant and on 19/08/2019, it is alleged that he established physical relationship with her in a lodge. As per the complainant, he even showed her a mangalsutra and promised that he would soon tie it, and get married. Some talks of marriage were also initiated between the family, but to her utter dismay, the complainant realized after passage of time that the applicant was already married and the fact that he wanted to divorce his wife was incorrect. When she confronted this fact to the applicant, he started avoiding her and abused her. At one point of time, he threatened her that he is not going to perform marriage with her and she is at liberty to do what she wants to do.

This constrained the complainant to approach this Court.

4. Looking to the accusations faced by the applicant in the complaint, it can be seen that the complainant is major by age

and capable of understanding the consequences of her act and being a working woman, is expected to be well versed with the scenario in the society. The offence also invoke Section 417 of the I.P.C., since it is the version of the complainant that on the pretext of marriage, the physical relationship were established. *Prima facie*, the relationship between the two, at the outset, was consensual, as can be seen from the version of the complainant that before establishing the physical relationship, she was moving with the applicant. Subsequently, she felt cheated, when the applicant avoided performance of marriage.

The aforesaid accusations do not warrant any custodial interrogation. However, the applicant is expected to co-operate with the Investigating Officer by reporting to the police station. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.933 of 2022 registered with Khar Police Station, applicant-Amar Vilas Kamble shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall report to the concerned police station on 1st and 2nd August, 2022 between 3.00 p.m. to 5.00 p.m. 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.)