

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 2188 OF 2021

Vaibhav Ananta Deshmukh ..Applicant

Vs.

The State of Maharashtra ..Respondent

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Mr. Kuldeep S. Patil a/w. Mr. Prashant S. Hagare, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent / State.

Mr. B. S. Shinde, for the Intervenor.

WAPI Shendge Baramati Taluka Police Station.

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CORAM : C.V. BHADANG, J.  
DATE : 14 FEBRUARY 2022

P.C.

. The Applicant apprehending arrest, in connection with investigation of Crime No. 406/2021 of Police Station Baramati City, Pune (Rural), under Section 376, 323 and 506, is seeking anticipatory bail. The said crime is registered on the basis of a second FIR lodged by the informant making similar allegations against the Applicant of having sexually abused the victim – first informant.

2. The informant who is the victim is a girl aged 23 years. The case appears to be that the Applicant on the promise of marriage had kept forcible sexual relations with her and subsequently has declined to marry her.

3. In so far as the present crime is concerned, she claims that on 18 July 2021 while she was proceeding to Satav Chowk from Deshmukh Chowk, the Applicant came in white Maruti Car and asked her to accompany him. She was taken to the factory of the Applicant where the Applicant had forcible sexual intercourse with her.

4. I have heard the learned counsel for the parties. Perused record.

5. *Prima facie*, it appears that there are What's App messages exchanged between the parties and even in the previous complaint, the informant states that the parents of the Applicant had agreed that the Applicant and the first informant would be got married on 28 February 2021. It appears that even after the first incident the victim accompanied the Applicant and even in the present FIR the informant claims that she was repeatedly asking the Applicant about their marriage and the Applicant was giving evasive answers and is avoiding to marry her. It appears that the victim had attained the

age of consent and had engaged in sexual intercourse with the Applicant at various places. Thus, at least *prima facie* relationship appears to be consensual in nature.

6. The record discloses that interim protection was granted to the Applicant on 21 September 2021 and is operating since then. In such circumstances, the Criminal Application is disposed of in terms of the order dated 21 September 2021 which is hereby made absolute subject to the condition that the Applicant shall not directly or indirectly make any attempt to contact the victim or other prosecution witnesses or tamper with the prosecution evidence.

**C.V. BHADANG, J.**