

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2634 OF 2022

Shrikant Bharat Bansode	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Rahul B. Vijaymane for Applicant.
Ms. Geeta P. Mulekar, APP for Respondent.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 28, 2022

P.C. :

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.594 of 2022 registered with Sadar Bazar Police Station, Solapur City for the offence punishable under Sections 323, 376, 504 and 506 IPC.
3. Case of the prosecution is, victim, a divorcee aged about 35 years allegedly was in live-in relationship with the present applicant. It is claimed by the victim that under the pretext of marriage, the applicant has established not only physical relationship but also collected an amount of Rs.2 lakhs. As such, offence in question.
4. The submissions are, the relationship was consensual and the allegation of amount collected is without any basis as no such amount was received by the applicant in his bank account.
5. Learned APP would urge that perusal of the FIR would disclose that necessary ingredients of the offence alleged are made out.
6. I have appreciated the submissions.
7. The complainant claims that from her first marriage, she is having a son aged about 18 years. She has claimed that she is a divorcee and is in the employment of municipal corporation. According to her, the

applicant has established love relationship some time in 2013 till the date of lodging of the FIR. The fact remains that the complainant has already initiated proceedings against her first husband Mr. Saipan Gorakh Dolare under the provisions of the Domestic Violence Act, 2005 through Miscellaneous Criminal Application No.370 of 2014 wherein she has claimed to have married to the said person. As such, the claim put forth by the complainant that she was a divorcee does not appear to be borne out from the record.

8. Rather, the contents in the FIR depict consensual relationship. There is no iota of evidence to infer that the applicant has received the amount alleged in his bank account. That being so, necessary ingredients of the offence alleged are not made out.

9. In view thereof, in the event of arrest of the applicant in Crime No.594 of 2022 registered with Sadar Bazar Police Station, Solapur City for the offence punishable under Sections 323, 376, 504 and 506 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 10th to 15th October, 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.

10. Application is disposed of.

(NITIN W. SAMBRE, J.)

Minal Parab