

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2675 OF 2022

Prashant Limbraj Rathod	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Shadab Khopekar, for the Applicant.

Smt.Rutuja Ambekar, APP for the State.

Ms.Sadhna Singh a/w Rahul Tripathi, Ramzanali Malik and Naveen Kumar for Intervenor/first informant.

Mr.Archana Rajendra Vighe, Intervenor present.

CORAM : BHARATI DANGRE, J

DATE : 30th SEPTEMBER, 2022.

P.C.

1] Heard learned counsel for the Applicant, learned counsel for the complainant and learned APP for the State.

2] The Applicant faces accusation for the offences under Section 376, 276(2)(n), 420, 506 of the Indian Penal code. He came to be arraigned as accused, when the complainant, who is working in the police department and recruited in the year 2011 reported to the Police Station levelling accusations against him for the period from 27.08.2019 to 23.05.2022.

3] When the complaint is perused, it is seen that the Prosecutirx

state that from 06.08.2018, she was posted in Vasai Police Station. Even the Applicant is a Police Constable and they got acquainted with each other. They established friendly relationship through mobile and for meeting her, he used to often visit Vasai. The Complainant narrate that they used to visit several places nearby their working place and on one occasion, she visited his room where he sought sexual favours. She was petrified and asked him to solemnize the marriage and she was, however, assured that since there is lock-down imposed, it is not possible for him to perform marriage, but the will be solemnized.

The complainant's narration is that on the pretext of marriage, physical relations were established and she was assured by the Applicant that he would perform marriage soon. Thereafter, his nature appeared indifferent and he told her that in case if he gets married as per choice of his family, he would get huge dowry and therefore she must pay sum of Rs.5 Lakh as when required.

The narration in the complaint is that, Rs.2,29,900/- has been transferred by her in his account and apart from this, by way of GooglePay, she has transferred an amount of Rs.1,17,000/- towards rent for the premises, to the landlady.

It is alleged in the complaint that, she has parted a sum of Rs.3,46,000/- . When the Applicant avoided to solemnize the marriage, she lodged a complaint with the Police Station.

4] During the course of investigation, statement of the owner of the room is recorded, where he has stated that his wife Sangita had rented out the premises to the Applicant and he and sometimes his friend (complainant) used to make payments via GooglePay. When the Leave and License Agreement dated 10.10.2020 is perused, it appears to be in the name of present Applicant.

5] The complainant is a matured woman aged about 28 years who is working in the police department and it is unfortunate that she has been duped by none by else than the person from the police department. In any case, whether the consent was free or it was under the pretext of marriage and not willfully given, will be a matter of trial.

6] When the learned APP was asked to produce the details of the amount which is alleged to have been paid by the complainant to the Applicant, the learned counsel for the Applicant has produced on record a chart reflecting equivalent entries by which the amount was brought into account of the complainant.

The learned APP has verified the chart by comparing it with the statement of bank account of the complainant. She states that the amount equal to the amount which was transferred to the Applicant by the complainant, is shown as returned back in her account.

Now the question only remains as regards the amount of rent, which was paid of Rs.1,17,000/- to the landowner. Though the lease Agreement is exclusively in the name of the Applicant, as a good gesture, the Applicant has shown his readiness to refund an amount of Rs.60,000/- to the Complainant within a period of four weeks.

The learned counsel for the Applicant makes a statement that the amount shall be deposited with the Investigating Officer within a period of four weeks.

7] Since it appears that the relationship between the two was in the nature of live-in-relationship for last 2 to 3 years, custodial interrogation of the Applicant is not warranted. He deserve protection from arrest.

Hence, the following order :

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.170/2022 registered with Vasai Police Station, the applicant Prashant Limbraj Rathod shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) Applicant shall deposit an amount of Rs.60,000/- before the Investigating Officer within a period of four weeks from today, which in turn shall be given to the complainant.
- (d) The applicant shall report to the concerned police station as and when called for.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to the Prosecutrix, so as to dissuade her from disclosing the facts to Court or any Police Officer and he shall not tamper with evidence.

[BHARATI DANGRE, J]