

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2770 OF 2022

Shreyas Shriram Pendse	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Kuldeep Patil a/w S. Sarla i/by Mr. Adesh Kondedeshmukh,
Advocate for the Applicant.

Mr. A.A. Palkar, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	6 th OCTOBER, 2022.

PER COURT:

1. This is an application of anticipatory bail in C.R. No. 373 of 2022, registered with Talegaon, Dabhadi Police Station for an offences under Section 376(2)(n) of Indian Penal Code (for short 'IPC') and Sections 420, 323, 504 and 506 IPC.
2. The First Information Report (for short 'FIR') was registered on 13th August, 2022.
3. From the tenor of FIR it appears that the complainant/victim is women aged around 28 years. She was acquainted with the applicant. She has referred to the incident of physical relationship between them which had allegedly occurred on 4th November, 2017. There were several incidents of consensual relationship. It is alleged that the applicant/accused had promised her that he would perform marriage. The FIR was lodged in 2022.

4. It is submitted from the FIR it can be seen that there was consensual relationship between the accused and the complainant. Both have exchanged text messages which fortify that for a long time they were in relationship. The FIR was lodged belatedly. Custodial interrogation is not necessary.

5. Learned APP submitted that the offences are made out against the applicant. The complainant had handed over the gold ring and the laptop to the applicant. The articles are required to be recovered. The cell phone is required for investigation.

6. Learned counsel for the applicant on instructions submit that the applicant is willing to co-operate with the investigation. The laptop and gold ring has alleged is not with the applicant. He would hand over the the cell phone for the purpose of investigation.

7. From the tenor of the FIR it can be seen that complainant and accused were acquainted since 2014. The first incident of physical relationship had allegedly occurred on 4th November, 2017. The FIR refers to several other incidents. Looking into the factual aspect of matter, it is apparent that the relationship was of consensual nature. Custodial interrogation is not necessary.

ORDER

- i.** Anticipatory Bail Application No. 2766 of 2022 is allowed;
- ii.** In the event of arrest of the applicant in connection with C.R. No. 373 of 2022 registered with Talegaon, Dabhadi Police Station, the applicant be released on bail on executing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii.** The applicant shall attend the investigating officer on 12th , 13th, 14th October, 2022 between 11.00 a.m. to 1.00 noon.
- iv.** The applicant shall hand over the cell phone to the investigating officer for the purpose of investigation.
- v.** Application stands disposed off.

(PRAKASH D. NAIK, J.)