

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3082 OF 2022

Bhushan Chandrakant Pawar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ayush Pasbola i/b Mr. Jagrut M. Patil for the Applicant.
Ms. M.M. Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 18 NOVEMBER 2022

P.C. :-

This is an application under Section 438 of Code of Criminal Procedure.

2. The applicant is apprehending his arrest in Crime No. 271 of 2022 registered at Uran police station for the offence punishable under Section 376(2)(n), 417 of Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the First Information Report lodged by the prosecutrix.

4. According to the prosecutrix in the year 2011, she was married to one Abhimanyu Khedkar. Due to temperamental differences, from the year 2015, she stated residing separately from her husband.

5. According to the prosecutrix in the year 2019, she came in the contact of present applicant, who was known to her as he was studying with her in 10th standard. According to the prosecutrix, the applicant promised to marry her and therefore they started residing together like husband and wife. According to the prosecutrix, everything was going on well till 29th August 2022, the day on which some altercation took place between the prosecutrix and applicant. According to the prosecutrix, thereafter the applicant refused to marry her.

6. The prosecutrix in unequivocal terms stated that the alleged physical relations between them were consensual. It appears that the applicant after marriage wanted to shift to Gujrat and he disclosed the said fact to the prosecutrix. As the prosecutrix was against shifting to Gujrat altercation took place between them and then he allegedly refused to marry her. Thus, no intention of cheating from very inception can be attributed to the present applicant.

7. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (I) Application is allowed.
- (ii) In the event of arrest of the applicant in Crime No. 271 of 2022 registered at Uran police station for the offence punishable under Section 376(2)(n), 417 of Indian Penal Code, he shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station from 24 November 2022 to 30 November 2022 between 11.00 am to 2.00 pm and thereafter as and when called and shall co-operate in the investigation.

(N.R. BORKAR, J.)