

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 418 OF 2022

Teju @ Tejas Subhash Jambhulkar **Versus** State of Maharashtra, thr. PSO PS Jaripatka, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.B. Barve, Advocate for the applicant.

Ms Shamshi Haider, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 12/07/2022.

1. The applicant is seeking pre-arrest bail in Crime No.278 of 2022, registered with Police Station, Jaripatka Nagpur, for the offences punishable under Sections 376(1), 323, 506 of the Indian Penal Code, 1860.

2. Shri C.B. Barve, learned counsel for the applicant submits that the even if the allegations made in the FIR, are taken on its face value. It can be seen that there was a love affair and consensual physical relations as well between the applicant and the complainant.

3. It is submitted that as the applicant refused to marry the complainant, the present offence came to be lodged against the applicant. Accordingly, he prays for grant of bail.

4. On the other hand, Ms Shamsi Haider, learned APP strongly opposes the present application and submits that there is incriminating material against the applicant and

considering the nature of offence, she submits that applicant may not be granted bail.

5. Though the non-applicant No.2 is served, none appears on behalf of the victim.

6. I have perused the Case-diary, Application and Reply filed by the State.

7. It appears from the case-diary that there was a love affair and consensual physical relations as well between the applicant and the complainant. Though the offence is registered under Section 323 of the IPC, there is no material to support the allegation as regards Section 323 the IPC.

8. *Prima-facie*, it further appears that because the applicant/accused has refused to marry the complainant, she lodged the present FIR. In the circumstances, considering the allegations, I am of the opinion that custodial interrogation of applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 21.06.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 18, 19, 20 between 10.00 a.m. to 12.00 noon and thereafter as and when his presence is required.

- c) The applicant shall not try to contact the victim or pressurize her, in any manner.
- d) The liberty is granted to State and non-applicant No.2 to apply for cancellation of bail, in case, breach of any condition.

[ANIL S. KILOR, J.]