

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

CRIMINAL APPLICATION (ABA) NO.642 OF 2022

Ravi s/o Tulsiram Bhakare **Versus** State of Maharashtra, thr. PSO PS Frezarpura, Amravati.

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

Court's or Judge's Order

Shri S.I. Ghatte, Advocate for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 07/10/2022

1. The applicant is seeking pre-arrest bail in connection with Crime No. 461/2022, dated 20/07/2022, registered with Police Station Frezerpura, District: Amravati, for the offences punishable under Sections 376(2) (n), 323, 504, 506, 109 of the Indian Penal Code, 1860.

2. After going through the allegations, *prima-facie*, it appears that the first incident took place in the year 2019 with the consent of the informant who was married woman at that time and as such there was consensual physical relations between the applicant and the informant.

3. Furthermore, there is a delay in lodging the FIR and as far as the submission of the learned APP that the custodial interrogation is necessary for recovery of the

amount, it is settled law that Police Mechanism cannot be used for recovery. Thus, considering the allegations made in the FIR and the fact that there is a delay in lodging the FIR coupled with the fact that there was consensual physical relations between the applicant and the informant, I am of the opinion that custodial interrogation is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) The ad-interim anticipatory bail granted by this Court on 06/09/2022 is confirmed.
- c) The applicant shall attend the concern Police Station as and when his presence is required

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]