

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 289 OF 2023

PRAVIN BABASAHEB ANDHALE
VERSUS
THE SUPERINTENDENT OF POLICE, AHMEDNAGAR
AND ANOTHER

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents : Mr. V.S. Badakh

CORAM : R.M. JOSHI, J.
DATE : 08th June, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with offences punishable under Sections 315, 328, 376 of IPC.
2. Informant lodged FIR with Crime No. 861/2022 with Kotwali Police Station, Taluka and District Ahmednagar, contending that she was in love relations with applicant and they used to meet each other. An incident occurred prior to one and half month of 02.09.2022. Wherein, it is claimed that against her wish applicant has established physical relations with her. Thereafter, he threatened the informant to defame by using their photographs. It is further alleged that applicant had administered i-pill to the informant. On 14.10.2022, she became unconscious and when she was taken to the hospital, it was revealed that she was pregnant and there was internal bleeding due to miscarriage.

On the basis of these averments offence came to be registered against the applicant and he apprehends arrest.

3. Learned counsel for the applicant states that both applicant and the informant are major and they were having love relationship. According to him, the said relationship was opposed by the family members and only after it was revealed that the informant was pregnant, present offence came to be registered. He further states that the alleged administration of i-pill is prior to 02.09.2022 and after about 45 days thereafter alleged miscarriage has taken place. Thus according to him, it is not the case where physical relationship between them is not consensual.

4. Learned APP opposes the said submissions by stating that the statement of informant about the forcible physical relationship cannot be discarded at this stage. He also drew attention of this Court to the certificate issued by the Doctor to state that it is possible to cause miscarriage with i-pill. He states that considering the nature of the offence, it is not case for grant of anticipatory bail.

5. *Prima facie*, perusal of the FIR reveals that the applicant and informant are young persons having love relationship between them. Though, it is stated in the FIR that

prior to one and half month of 02.09.2022, applicant had established forcible physical relationship with her, it does not stand to any reason as to why the said fact is not disclosed to the family members immediately. Though, it is alleged that the applicant had threatened her to show the photographs and to defame her, however, admittedly they were having love relationship and were also meeting each other. There is no material on record to corroborate the said allegation. This Court finds force in the contention of the learned counsel for the applicant that only because more than 42 days of incident, it was revealed to the family members about the pregnancy of the informant and, therefore, the possibility of lodging present report cannot be ruled out.

6. Having regard to the entire facts and circumstances of the case, there is reason to believe that it is the case of consensual sexual relationship between adult persons. The applicant is already protected with interim order and there is nothing on record to show that he has misused the said liberty. Hence, application stands allowed.

ORDER

- i. In the event of arrest of applicant in connection with Crime No. 861/2022, registered with Kotwali

Police Station, for the offences punishable under Sections 315, 328, 376 of IPC, he shall be released on bail on furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

ii. He shall attend the concerned police station as and when called by Investigating Officer.

iii. He shall not contact the prosecutrix directly or indirectly.

iv. He shall not interfere with the evidence in any manner whatsoever.

v. He is further directed to co-operate the investigating agency for further investigation.

[R.M. JOSHI, J.]

SPChauhan