

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.901 OF 2023  
WITH APPLN/2186/2023 IN ABA/901/2023

GANESH HANUMANT TAWRE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S. J. Salunke

APP for Respondents: Mr. S. P. Sonpawale

Advocate for informant to Assist APP: Adv. R. R.

Tandale h/f Mr. S. S. Thombre

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CORAM : R.M. JOSHI, J

DATE : JULY 18, 2023

**PER COURT :**

1. Applicant apprehends arrest in connection with with C.R. No. 270/2023 registered with Shivajinagar Police Station, Dist. Beed for the offences punishable under Sections 376 and 506 of the Indian Penal Code.

2. According to the informant since year 2017 Applicant had established physical relationship with her on the false promise of marriage. She gave details about the places and time when such relationship were maintained. According to her, on 02.04.2023 she came to know that Applicant is engaged with another girl. It is further stated therein that even thereafter they had

physical relationship. Finally offence is registered against the Applicant with the allegation that she was given false promise of marriage for the purpose of physical relationship.

3. Learned Counsel for the Applicant state that both the Applicant and informant are adults and that the period of their relationship indicates that it was a love affair and consensual relationship.

4. Learned APP and learned Counsel for the informant opposed the application by referring to the FIR as well as statement of the informant under Section 164 of Cr.P.C.

5. Perusal of the FIR itself indicates that the Applicant and informant were having physical intimacy for more than around 5 years period. Though it is alleged by informant now that on the false promise of marriage she consented for the physical relationship, however, it does not stand to any reason as to why she could get in physical relations with the Applicant even after performing engagement ceremony with another girl. This creates doubt about the allegation against the

Applicant that on false promise of marriage, the physical relationship established with the informant.

6. In such circumstances, the application is allowed by confirming order dated 21<sup>st</sup> June, 2023.

7. Criminal Application No. 2186 of 2023 is disposed of.

(R.M. JOSHI, J.)

Malani