

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 970 OF 2023

Popat Asaram Munde

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. N. Sabnis, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 17th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 115/2023 registered with Wadwani Police Station, Dist. Beed, for the offences punishable under Sections 376(2)(n), 323 of Indian Penal Code.

2. Perusal of the First Information Report shows that from January 2023, there was acquaintance and love relationship between the applicant and the informant. It further indicates that they had maintained physical relationship. It is stated in the First Information Report that on 26th May, 2023, informant came to know that the marriage of applicant is fixed. She, therefore, went to the bride and

informed her about the love relationship with the applicant and asked her not to marry him.

3. Learned counsel for the applicant states that it is clear even from the First Information Report that there is consensual relationship between the applicant and the informant and hence no offence is said to have been committed by him.

4. Learned APP opposed the application by stating that First Information Report gets support from the statements of parents and brother of the informant.

5. Perusal of the First Information Report itself sufficiently discloses that it is a case of love relationship between the informant and the applicant. The history given to the Medical Officer also clearly shows that there was consensual physical relationship between them and that later on the applicant has refused to marry the informant and hence, report came to be lodged. On the face of it, it cannot be said that this is a case of establishment of forcible physical relationship by the applicant with the informant. In such

circumstances, the liberty of the applicant deserves to be protected.

Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb