

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.1261 OF 2023**

Praveen Purshottam Jagtap

...Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Vivek Salunkhe, for the Applicant.

Mr. R.M. Pethe, APP, for the Respondent State.

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CORAM : ANUJA PRABHUDESSAI, J.**DATE : 27 APRIL 2023****P.C.:**

The Applicant apprehends arrest in Crime No.60 of 2023 registered with Akkalkot North Police Station, for the offences punishable under Sections 376(2)(n) and 506 of the IPC.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The Prosecutrix has lodged FIR against the Applicant alleging that he had subjected her to rape. Perusal of the FIR prima

facie reveals that the Applicant and the First Informant, both adults, have indulged in sexual relationship on several occasions between June to November 2022. Prima facie, the relationship appears to be consensual. The FIR does not prima facie disclose essential ingredients of rape within the meaning of Section 375 of the IPC. Under the circumstances, and considering the above facts and circumstances, this is a fit case to exercise discretion under Section 438 of Cr.P.C.

4. Hence, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicant in C.R. No.60 of 2023 registered with Akkalkot North Police Station, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant is directed to report to the Investigating Officer for two days on 1st and 2nd May 2023 between 11.00 a.m. to 2.00 p.m. and as and when required by the Investigating Officer and co-operate with the investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of

his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of.

(ANUJA PRABHUDESSAI, J.)