

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1532 OF 2023

Vishal @ Sonya Bhau Balasaheb Sawant ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Varun Thokal, for the Applicant.
Mrs. A.A. Takalkar, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 05, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 117 of 2023 registered at Tasgaon police station, Sangli for the offences punishable under section 376, 376(2)(n), 452 and 506 of Indian penal Code, 1860.

3. When the application was listed before the Court on 26th May, 2023, this Court was persuaded to grant interim protection recording inter alia as under:-

3] The learned Counsel appearing for the Applicant would submit that the allegations arise out of consensual relationship between the Complainant and the Applicant. He would invite my attention to para 5 of the order of the Sessions Court in which it is recorded that after filing of Anticipatory Bail Application, the Complainant appeared before the Sessions Court on 23rd March

2023 and made a statement to the effect that she had filed the Complaint out of misunderstanding. She however later changed her mind and accused the Advocate of the Applicant in misguiding her in making such a statement.

.... ..

6] Considering the conduct of the Applicant, in normal circumstances, this Court would be loath in granting any interim protection to the Applicant who has indulged in threatening the Complainant during the period he was granted interim protection by the Sessions Court. However, the peculiar circumstances of the case are that the Complainant herself made a statement before the Sessions Court that she had filed Complaint out of misunderstanding. It appears that there was a consensual relationship between the Applicant and the Complainant over a long period of time since June 2020 onwards. In such situation, prima facie, custodial interrogation of the Applicant seems not necessary at this stage.

4. I have perused the allegations in the first information report. The allegations in the first information report prima facie indicate that the applicant and first informant were in a relationship and there were consensual physical relations as well. It further appears that the first informant had appeared before the learned Additional Sessions Judge and made a statement that she had lodged the report against the applicant at the instance of some villagers out of misunderstanding.

5. In the aforesaid view of the matter, the custodial interrogation of the applicant does not seem to be warranted. I am, therefore, inclined to make the order dated 26th May, 2023 absolute on the

terms and conditions incorporated therein.

Hence, the following order.

ORDER

1] The order dated 26th May, 2023 is made absolute on the terms and conditions incorporated therein.

2] In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

Application stands disposed.

(N. J. JAMADAR, J.)