

... Applicant

The State of Maharashtra and another

... Respondents

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Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Kartik Garg for Respondent No.2.

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CORAM: N.R. BORKAR, J.

DATED : 16 MARCH 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 1 of 2023 registered at Bhosari Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 506 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State and learned Counsel for Respondent No.2.

4. According to the prosecutrix, the applicant who was her colleague proposed her for marriage. According to her, on 10 September

2018, and thereafter on several occasions the applicant committed forcible sexual intercourse with her on the pretext that he would be marrying her and ultimately refused to marry her.

5. Prima-facie, the alleged act of sexual intercourse appears to be consensual act. Considering the overall facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Arif Ayub Shaikh in Crime No. 1 of 2023 registered at Bhosari Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 506 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)