

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3543 OF 2022

Joshwa Jose Thekkundan ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.
WITH

INTERIM APPLICATION NO. 651 OF 2023

Mr. N.B. Narawade and Mr. Abhishek Kulkarni for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.
Mr. Anil P. Chavan for the Intervenor.

CORAM : N.R. BORKAR, J.
DATE : 17.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 466 of 2022 registered at Lonikand Police Station, Pune for the offences punishable under Sections 376(2), (n), 323, 504 and 506 of the Indian Penal Code.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State and the learned counsel for the intervenor.
4. It appears that the prosecutrix and the applicant were working in the same company. According to the prosecutrix in the year 2018, the present applicant proposed her for marriage.
5. It is alleged that in October 2018 and thereafter, on several

occasions till August 2022, the present applicant committed forcible sexual intercourse with the prosecutrix on the false pretext that he would be marrying her.

5. I have perused the First Information Report lodged by the prosecutrix. *Prima facie*, the alleged act appears to be consensual. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No. 466 of 2022 registered at Lonikand Police Station, Pune city for the offences punishable under Sections 376(2), (n), 323, 504 and 506 of the Indian Penal Code, he shall be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

6. Interim Application No. 651 of 2023 for intervention is not on board. The same is taken on board. In view of disposal of anticipatory bail application, the interim application for intervention stands disposed of.

[N.R.BORKAR, J.]