

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 995 OF 2021

Rahul K. Jadhav ...Applicant
V/s.
State of Maharashtra ...Respondent.

Mr. S.H. Nimbalkar a/w. Mr. A.U. Arote, Mr. V.A. More and Mr. R.D. Kamble for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.

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. This Court on 6 April 2021 passed the following order:

"1. The Applicant is seeking anticipatory bail in connection with C.R.No. 05 of 2021 registered with Pimpri Chinchwad Police Station, on 09/01/2021, under Sections 376, 377, 506, 507 and 509 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is lodged by the prosecutrix herself. She has stated that the applicant is son of informant's maternal aunt. She has stated in her F.I.R. that, since February, 2020 the applicant took wrong advantage of their relationship and on the first occasion by mixing some intoxicant substance in her tea, the applicant committed rape on her. Thereafter by repeatedly threatening her the applicant committed these acts on a few more occasions. She has given details of these instances. In the meantime, in May, 2020 the applicant got married to another girl. The F.I.R. mentions that even thereafter he committed rape on the informant

on 05/07/2020, 12/07/2020, 09/08/2020 and 23/08/2020. There are allegations of unnatural sex, as well.

3. Learned counsel for the applicant submitted that, it was a consensual relationship and it is reflected in their messages exchanged between the relevant period. He invited my attention to the messages exchanged between both of them on 23/08/2020 and 24/08/2020. Their exchanges indicate that it was a consensual relationship and the informant was not upset with the applicant. He submitted that only because of business dispute, this F.I.R. is lodged.

4. Learned APP is seeking time as the I.O. is not present. Therefore, today I am adjourning the matter. However, considering the submissions made by learned counsel for the applicant and also taking into account the messages exchanged between the informant and the applicant, today I am protecting the applicant by interim order.

5. Hence, the following order.

O R D E R

(I) In the event of his arrest in connection with C.R.No. 05 of 2021 registered with Pimpri Chinchwad Police Station, till the next date, the Applicant be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 06/05/2021.

(iii) The Applicant shall attend the concerned Police Station, as and when called, and shall cooperate with the investigation.

(iv) Stand over to 06/05/2021."

3. In view of the observation of this Court in the above order that it was a consensual relationship and as the charge-sheet has already been filed, I am inclined to allow the present application.

The interim order passed by this Court dated 6 April 2021 is hereby confirmed.

4. The Application is disposed of.

[N.R.BORKAR, J.]