

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1521 OF 2023

Trishul Gurunath Sonavane ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Ashok Mundargi i/b. Senior Counsel Ms Swarali Joglekar for the Applicant.

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

Mr. S.R. Sakpal, PSI, Gorai Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. The Applicant herein apprehends his arrest in C.R. No. 12 of 2023 registered with Gorai Police Station, Mumbai, for the offences punishable under Sections 376, 376(2)(n) and 420 of the IPC.

2. Heard Mr. Mundargi, learned senior counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR

lodged by the prosecutrix. A perusal of the FIR prima facie reveals that one of the relatives of the prosecutrix had brought the proposal of marriage with the Applicant herein. She accepted the proposal and they had decided to marry. The FIR and the other material on record reveal that the Applicant and the prosecutrix had indulged in sexual relationship. The Applicant subsequently refused to marry the prosecutrix, which has resulted in levelling the allegations.

4. The material on record prima facie reveals that the Applicant and the prosecutrix, both adults, had indulged in consensual relationship. The offence within the meaning of Section 376 is not made out.

5. Considering the above facts and circumstances, this Court by order dated 25/05/2023 had granted interim protection to the Applicant. Learned APP states that pursuant to the said order, the Applicant has reported to the investigating officer and has been interrogated. In such circumstances, no case is made out for custodial interrogation. Hence, the interim order dated 25/05/2023 stands confirmed.

6. The Applicant shall report to the concerned Investigating Officer as and when required for the purpose of investigation.
7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)