

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

ANTICIPATORY BAIL APPLICATION NO. 1973 OF 2023

Vinod Vijay Acharya

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Karan Mertia a/w. Mr. Ashok Yadav for the Applicant.

Mr. S.H.Yadav, APP for the State.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 21st JULY, 2023.

P.C.

1. The applicant apprehends his arrest in Crime No. 188 of 2023 registered with Charkop Police Station, Mumbai for offences under Section 376(2)(n), 406, 420, 506 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the 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. The facts narrated in the FIR prima facie reveal that then first informant is a widow. She got acquainted with the applicant herein. The applicant promised to marry her. The first informant claims that the applicant had sexual relationship with her under the promise of marriage. She further claims that she had given to the applicant an amount of Rs.12 lakhs. Subsequently, she accompanied the

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applicant to a temple at Kerala, and they exchanged garlands. She claims that subsequently she learnt that the applicant was already married with children. He informed her that he would divorce his wife and marry her. The applicant did not divorce his wife , and did not solemnize the marriage. Hence the FIR for rape and cheating.

4. The FIR reveals that the relationship between the applicant and the prosecutrix, both adults, was consensual. The facts narrated in the FIR also reveal that even after the prosecutrix learnt that the applicant was a married man, with children, she accompanied him, and continued to have relationship with him. This negates the contention of the prosecutrix that she had sexual relationship under mis-conception of fact. The applicant has filed an affidavit wherein he has stated that he is willing and ready to deposit amount of Rs.10 lakhs in this court. to show his bonafides. The schedule of payment as stated in para 4 of the affidavit reads thus:

- (i) An amount of Rs.2,00,000/- within 04 weeks i.e. on or before 15.08.2023;
- (ii) An amount of Rs.2,00,000/- within next 04 weeks i.e. on or before 15.09.2023;
- (iii) An amount of Rs.2,00,000/- within next 04 weeks i.e. on or before 15.10.2023
- (iv) An amount of Rs.2,00,000/- within next 04 weeks i.e. on or

before 15.11.2023

(v) An amount of Rs.2,00,000/- within next 04 weeks i.e. on or before 15.12.2023

The applicant has agreed to deposit the said amount within six months. In the light of the said statement, and considering the other facts and circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.188 of 2023 registered with Charkop Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time;
- (iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(v) The Applicant to deposit the amount before this Court, as per the schedule mentioned in para 4 of the affidavit, and submit the receipt of the same to the Investigating Officer.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)