

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

ANTICIPATORY BAIL APPLICATION NO. 2163 OF 2023

Chetan Chandrakant Patankar	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. S.R. Gaud for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. S.M. Surve, API, Vakola Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 03rd AUGUST, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R.No.449/2023 registered with Vakola Police Station, Mumbai for offences punishable under sections 376, 376(2)(n), 417 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and 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 the prosecutrix and the Applicant herein are working in a bank. They

know each other since October, 2021 and they have indulged in consensual sexual relationship. The prosecutrix claims that the Applicant had assured her that he would obtain divorce from his wife and would marry her. She claims that it was only on this assurance that she had established physical relationship with the Applicant.

4. The prosecutrix and the Applicant, both adults, have indulged in consensual relationship. The prosecutrix was aware that the Applicant is a married man. Hence, there is no misconception of fact or breach of any promise. Having considered the above facts and circumstances, in my considered view, the offence of rape within the meaning of section 375 is prima facie not made out. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.449/2023 registered with Vakola Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., 07/08/2023 and 08/08/2023 between 11:00

a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the prosecutrix and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

PREETI
HEERO
JAYANI

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.08.11
15:00:44 +0530

(SMT. ANUJA PRABHUDESSAI, J.)