

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

ANTICIPATORY BAIL APPLICATION NO.2285 OF 2023

Rupesh Ramesh Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Aniket Nikam with Mr. Amit Icham for the Applicant.

Ms A.A. Takalkar, APP for the Respondent-State.

Mr. S.S. Korde, API, Amboli Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 11th AUGUST, 2023.

P.C.:-

1. The Applicant apprehends his arrest in C.R. No. 1086 of 2022 registered with Amboli Police Station, Mumbai, for the offences punishable under Sections 376, 417 and 420 of the IPC.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicant and Ms A.A. Takalkar, 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 facts narrated in the FIR prima facie reveal that the

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Applicant and the First Informant got acquainted with each other in April-2021. The Applicant and the First Informant were in live-in relationship and had consensual sexual relationship. Hence, prima facie offence of 'rape' within the meaning of Section 375 of the IPC is not made out.

4. The prosecutrix claims that the Applicant had refused to return the money taken from her in July 2021 and later in July-2022 i.e. after she discontinued relationship with him. The allegations do not prima facie make out a case of 'cheating. Furthermore, learned counsel for the Applicant has placed on record statements of account of Federal Bank, a perusal of which shows that the Applicant has deposited money in the account of the prosecutrix.

5. Considering the above facts and circumstances, no case is made out for custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 1086 of 2022 registered with Amboli Police Station, Mumbai, he is ordered to be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount.

- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. on 16/08/2023 and 17/08/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)