

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3244 OF 2022

Subham N. Damahe

...Applicant

V/s.

The State of Maharashtra

...Respondent.

WITH

INTERIM APPLICATION NO. 712 OF 2023

Mr. Vinod S. Chate a/w. Ms Kalpana Chate i/b Chate and Associates
for the Applicant

Mr. A.A. Palkar, APP for the Respondent/State.

Mr. Yogesh B. Dandekar for the Intervenor.

CORAM : N.R. BORKAR, J.
DATE : 30.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.320 of 2022 registered at Kharghar Police Station, Navi Mumbai for the offences punishable under Sections 376, 376(2)(n), 377, 313, 417, 323, 504 and 506 of the Indian Penal Code .
3. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned counsel for the Intervenor.
4. According to the prosecution, the applicant during the period from 1 October 2020 to June 2022 on several occasions committed

forcible sexual intercourse with the prosecutrix on the pretext that he would be marrying her.

5. During the relevant period, the prosecutrix was working in Bank of India, BKC Branch as Senior Manager and the applicant was working there as Clerk. *Prima facie*, the alleged act appears to be consensual. Considering the overall facts and circumstances of the case and in view of the undertaking filed by the applicant that he will not contact the prosecutrix either directly or indirectly, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No. 320 of 2022 registered at Kharghar Police Station, Navi Mumbai for the offences punishable under Sections 376, 376(2)(n), 377, 313, 417, 323, 504 and 506 of the Indian Penal Code, he be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

6. The Interim Application for intervention is disposed of.

[N.R.BORKAR, J.]