

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

ANTICIPATORY BAIL APPLICATION NO.3386 OF 2022

Parmeshwar Aananda Koli ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

...

Mr. Balwant Salunke for the Applicant.

Mr. Shrikant Yadav, APP for Respondent No.1-State.

Mr. C.K. Bhangoji for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th MARCH, 2023.

P. C. :-

1. At the outset, learned counsel for the Applicant seeks leave to mask the name of Respondent No.2 in the cause title. Leave is granted. Name of Respondent No.2 be masked forthwith.

2. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.817 of 2022 registered with Mangalvedha Police Station, Solapur Gramin, for the offences punishable under Sections 376 and 506 of the IPC.

3. Heard Mr. Salunkhe, learned counsel for the Applicant, Mr. Yadav, learned APP for Respondent No.1-State and Mr. C.K. Bhangoji,

learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by the victim. A perusal of the FIR reveals that physical relationship between the Applicant and Respondent No.2, both adults, was consensual.

5. Having considered the FIR, in my considered view prima facie essential ingredient within the meaning of Section 376 of the IPC is not made out. Hence, this is a fit case to exercise discretion under Section 438 of the Cr.P.C. In the result, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No.817 of 2022 registered with Mangalvedha Police Station, Solapur Gramin, the Applicant shall be released on bail on execution of PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount.

(ii) The Applicant shall report to the Investigating Officer

as and when required by the Investigating Officer.

(iii) The Applicant shall not interfere with the victim 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.)