

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3499 OF 2022

Chetan D. Bhele ...Applicant
V/s.
State of Maharashtra and anr. ...Respondents.

Mr. Harshad V. Nimbalkar a/w. Mr. Satyam Nimbalkar, Mr. Abhishek U. Arote and Mr. Omkar Chitale for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State
Dr. U.P. Warunjikar a/w. Ms Sonali Chavan for the Respondent No.2.
Respondent No.2 is present.

CORAM : N.R. BORKAR, J.
DATE : 16.02.2023.

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.410 of 2022 registered at Chandan Nagar Police Station, Pune city for the offences punishable under Sections 376, 376(2)(n), 506 and 313 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 respondent No.2.
4. According to the prosecutrix, she got acquainted with the present applicant, who was working in Pune through social media. According to her, he assured her to find job for her and told her to

come to Pune. Accordingly, on 3 October 2020, she came to Pune from her native place. According to the prosecutrix, the applicant persuaded her to stay with him in his flat till she gets job.

5. It is alleged that on the very same day, the applicant proposed her for marriage and started getting intimate with her. According to the prosecutrix though she resisted, however, the applicant committed forcible sexual intercourse with her. According to the prosecutrix, the applicant thereafter, repeatedly committed forcible sexual intercourse with her on the pretext that he would be marrying her. It is alleged that she became pregnant and the applicant made her to abort on the pretext that his family members would not agree for their marriage, if they come to know about her pregnancy. It is alleged that the applicant thereafter avoided to marry her and told her that if she insists him to marry her then he would send their intimate photographs to her parents.

6. The learned counsel for the applicant has placed on record the Whats APP chats between the present applicant and the prosecutrix. *Prima facie*, from the said Whats APP chats the alleged physical relations between the applicant and the prosecutrix appears to be consensual. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Anticipatory Bail Application is allowed.

B) In the event of arrest of the applicant in C.R. No.410 of 2022 registered at Chandan Nagar Police Station, Pune city for the offences punishable under Sections 376, 376(2)(n), 506 and 313 of the IPC, the applicant 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.

[N.R.BORKAR, J.]