

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.274 OF 2023

Rajesh Motiram Kasote

Vs.

State of Maharashtra, through PSO, Police Station, Dharni, District
Amravati (Rural) and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.P. Thakare, Advocate for applicant.

Shri A.M. Kadukar, APP for non-applicant no.1/State.

Shri Omkar Deshpande, Adv. appointed for non-applicant no.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : AUGUST 07, 2023.

The present application is for grant of anticipatory bail in the event of arrest in connection with Crime No.222/2023 registered with Police Station, Dharni, District Amravati (Rural) for the offences punishable under Sections 354A, 354D, 376 and 376(2)(n) of the Indian Penal Code.

2. As per the contention of the present applicant that there was a love relationship and the physical relationship was due to the consent on the part of the informant/victim. As far as physical custody is concerned, which is not required and he has already cooperated with the investigating agency and this Court has put conditions while granting ad interim protection and prays for grant of anticipatory bail.

3. The said application is strongly opposed by the learned APP as well as learned appointed counsel for the non-applicant no.2 on the ground that there is a *prima facie* material against the present applicant, which shows that the present applicant falsely promised the victim for marriage and subjected for sexual intercourse. Therefore, the application deserves to be rejected.

4. Heard Shri A.P. Thakur, learned counsel for the applicants, Shri A.M. Kadukar, learned Additional Public Prosecutor for non-applicant no.1/State and Shri Omkar Deshpande, learned appointed counsel for non-applicant no.2. On perusal of the investigation papers, it reveals that the victim was in a relationship with the present applicant for two years. She is a grown-up woman and the physical relationship appears to be out of consensual. Considering the recitals of the FIR and the various statements recorded during the investigation, it reveals that there is a breach of the promise of the marriage. As far as physical custody of the present applicant is concerned, it is not required as nothing is to be recovered from the present applicant. Considering the allegation and the circumstances that there was love relationship between the informant and the present applicant and out of said love relationship both had a physical relationship. The consensual act of having a relationship appears from the investigation papers. Considering the same, the applicant can be protected by granting anticipatory bail. Accordingly, I proceed to pass the

following orders:

ORDER

- i. The criminal application is allowed.
- ii. In the event of arrest in Crime No.222/2023 registered with Police Station, Dharni, District Amravati (Rural) for the offences punishable under Sections 354A, 354D, 376 and 376(2)(n) of the Indian Penal Code, applicant – Rajesh Motiram Kasote, be released on bail on furnishing P.R. Bond in the sum of ₹25,000/- with one solvent surety in the like amount.
- iii. The applicant shall attend concerned Police Station, as and when called by the investigating officer for investigation and shall cooperate in the investigation.
- iv. The applicants shall furnish his cell phone number and address with address proof.
- v. The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.
- vi. The professional fees of learned counsel appointed for non-applicant no.2 be quantified and paid as Rules.

With this, the application is disposed of.

JUDGE

Wagh

Signature Not Verified

Digitally Signed By: SURESH RAOSAHEB
WAGH
Personal Assistant to Hon'ble
Judge, High Court of Bombay, Nagpur
Bench, Nagpur.
Signing Date: 08.08.2023