



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 ANTICIPATORY BAIL APPLICATION NO. 1058 OF 2024

Vishal Yashwan Salve

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. satish P. Dhobale h/f Mr. Sagardas J.
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APP for Respondents: Mr. N.B. Patil

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CORAM : SHIVKUMAR DIGE, J.

DATED : 24th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 491 of 2024 registered with MIDC Waluj Police Station, district Aurangabad, for the offences punishable under Sections 420 of the Indian Penal Code.

2. It is the prosecution's case that the informant and the applicant got acquainted with each other on Facebook and the good relations were developed between them. The informant was staying separately as her husband left her and went to America. It is alleged that the applicant was aware of this fact and he assured the informant that he will marry with her. On that count, there was physical relations between them with consent of the informant. It is alleged that there was dispute between them hence, the informant

had lodged a complaint against the applicant on 9.4.2022. But the applicant apologized to informant hence, she withdrew the said complaint. It is alleged that though the applicant assured the informant to marry with her but he is avoiding hence, the informant lodged the complaint against the applicant under the above referred section.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The physical relations between the applicant and informant were consensual. The applicant never assured the informant that he will marry with her. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant sexually assaulted the informant on several occasions on the pretext of marriage. Thereafter, he refused to marry with her. He has cheated the informant. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the

applicant are that on the pretext of marriage, he kept physical relations with the informant and thereafter he refused to marry with her. It appears that physical relations between the applicant and the informant were consensual. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 03.07.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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