

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

ANTICIPATORY BAIL APPLICATION NO.406 OF 2024

Tajas Aba Sawant

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Prashant Hagare, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1135/2023, dated 13/12/2023, registered with Sangola Police Station, Solapur Rural, under sections 376, 376(2)(n), 341 r/w 34 of the Indian Penal Code.
2. Heard Mr. Prashant Hagare, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.
3. The FIR is lodged by the victim herself. She has stated that she was 20 years of age. She was residing with her parents,

brother and sister. She got married with her husband about 2 years prior to lodging of the FIR. Her husband was working in a bank at Pune. They were staying at Chinchwad. On 14/09/2023 she had come back to her parent's house at Katphal for Pola festival. At that time, the Applicant used to call her regularly. On 11/10/2023 one Shridhar Sawant asked her to accompany him outside the village because the Applicant was waiting for her. It was her case that out of fear, she went there. The Applicant was waiting there. All three of them went to Atpadi. Shridhar Sawant went away from there. It is further mentioned in the FIR that the informant and the Applicant went to Atpadi bus depot, then went to Miraj Railway Station and then went to Delhi Railway Station. From there they went to Haryana. The informant and the Applicant started staying together in Haryana. They stayed there for about one month. It is her case that during that period, the Applicant established forcible relations with her. In the meantime, her father had given a complaint about her missing. The informant and the Applicant came to know about it. Therefore on 20/11/2023, they came

back to Sangola police station. It is her case that the Applicant had threatened her and therefore she had given some statement favouring him. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that from the perusal of the record it is quite clear that it was a consensual relationship. Both of them had gone to different states and had stayed together for one month. Not even once she had made any complaint to her co-passengers, neighbours or anybody else. He submitted that it was a consensual relationship. No offence is made out.
5. Learned APP produced investigation papers before me, which contain statement of the informant recorded u/s 164 of Cr.PC. It corroborates her allegations in the FIR.
6. I have considered these submissions. From the FIR it is more than clear that it was a consensual relationship. The informant had accompanied the Applicant to Atpadi, Miraj, Delhi and Haryana. They stayed together. Not even once she had

made any complaint to anybody. She was with the Applicant in public places at some point. She could have raised alarm or she could have sought help. But from the tenor of the FIR it is quite clear that it was a consensual relationship. In this background, custodial interrogation of the Applicant would not be justified. The Applicant can be protected u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1135/2023, dated 13/12/2023, registered with Sangola Police Station, Solapur Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)