

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1312 OF 2023

Aakash Sanjay Giri

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Jayant Bardeskar, Advocate for Applicant.

Mr.Vikrant A.Desai, Advocate for Respondent no.2.

Mrs.Geeta P. Mulekar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 10th June 2024

PC :

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No.222 of 2023, registered with Karveer Police Station, District : Kolhapur for the offences punishable under Sections 376, 376(2)(n) and 17 of Indian Penal Code.
3. Learned counsel for Applicant pointed out that Applicant is on bail from 4th May 2023 and in the mean time after completion of investigation charge sheet has been filed. It is submitted that there was consensual relations between the Applicant and the victim. He therefore prays for grant of bail.
4. On the other hand advocate for victim submits that there was promise of marriage and therefore the victim had permitted the Applicant to have sexual relations with her. It is submitted that subsequently Applicant refused to perform marriage with the victim.

He further submits that Applicant is the influential person, he may pressurize the witnesses, if he is released on bail.

5. Learned APP reiterates the submission of learned counsel for the victim and submits that there is a possibility that Applicant may tamper with the evidence and pressurize the witness.

6. In the light of rival submissions I have perused the complaint and allegations made in it.

7. It is apparent on the face of record that, there are allegations that Applicant made certain promise to the victim to perform marriage, however, subsequently he refused to perform marriage with the victim. It is also evident that there was a consensual relation between Applicant and victim.

8. Considering the fact that Applicant is on bail since last more than one year and there is no complaint of misuse of liberty by the Applicant. Moreover, charge sheet has already been filed. In the above referred circumstances I am of the opinion that since the fact whether a promise made by the Applicant was genuine or was with ill intention, is the matter of evidence. Hence, I am of the opinion that the interim bail granted to the Applicant needs to be confirmed.

9. In the circumstances as far as apprehension in the mind of the victim and learned APP is concerned, that can be addressed by imposing certain conditions.

ORDER

- (i) Anticipatory Bail Application is allowed;
- (ii) It is directed that in the event of arrest of the Applicant in connection with Crime No.222/2023, registered with Karveer Police Station, District Kolhapur, for the offences punishable

under Sections 376, 376(2)(n), 471 of the Indian Penal Code, the Applicant shall be released on interim bail on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii) The applicant shall attend Karveer Police Station as and when his presence is required. The Police may give notice of 24 hours to the Applicant.

(ANIL S.KILOR, J.)

MST