

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1832 OF 2024

Kundlik Sajan Solvande ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Kuldeep U. Nikam a/w. Mr. Om N. Latpate for Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : JULY 19, 2024

P.C. :

. Heard Mr. Nikam, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0131 of 2024 dated 16.04.2024 registered at Sangli Rural Police Station, District - Sangli, for offences under Sections 376 and 376(2)(n) of the Indian Penal Code, 1860 (IPC).

3. The informant, in her statement, has alleged that the applicant had physical relationship with her on the basis of a false promise of marriage. It is her case that after extending such false promises and exploiting her, the applicant started delaying the actual performance of marriage with the informant, leading to registration of the FIR.

4. The learned counsel for the applicant submits that in the present case, the theory of false promise of marriage, on the face of it, is unsustainable, for the reason that the informant herself is a married woman, having two children. The applicant is also a married man and in such a situation, it cannot be sustained that the applicant was under a belief that the promise of marriage given by the applicant could fructify into marriage.

5. This Court has perused the statement of the informant leading to registration of the FIR. In the said statement itself, it is stated that the informant is a married woman. She has also stated that the applicant had promised her that he would divorce his wife and thereafter, marry the informant. The very fact that the informant is a married woman, having two children, *prima facie*, the theory of false promise of marriage and in that light, her exploitation at the hands of the applicant, does not appear to be sustainable. On this short ground alone, the present application deserves to be allowed. Nonetheless, the applicant shall co-operate with the investigation.

6. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0131 of 2024 dated 16.04.2024 registered at Sangli Rural Police Station, District - Sangli, he shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount;
- B. The applicant shall appear before the investigating officer on 22.07.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer and he shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.

10. The application stands disposed of.

(MANISH PITALE, J.)