

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2679 OF 2024**

Rohit Deepak Sapkal	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aadesh V. Konde Deshmukh a/w. Mr. Ashish Kumar Srivastava for applicant.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

Mr. Nitin Shinde, API, Phaltan City Police Station, District Satara.

**CORAM : MANISH PITALE, J.
DATE : 03rd OCTOBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. At the outset, the learned APP submitted that the informant is personally present in Court and intends to file intervention application. In the meanwhile, the learned counsel for the applicant is seeking interim relief, in the facts and circumstances of the present case.

3. A perusal of the statement of the informant, leading to registration of FIR, shows that according to her, she is a married woman. She was having differences with her husband, who was allegedly having an extramarital affair and in this backdrop, when she was alone, the applicant came in touch with her on instagram and thereafter, on 02.08.2023, after her husband had left for work, the applicant came to her house and allegedly established physical relationship with her. Thereafter, he allegedly promised that he would take care of the informant all her life and on this basis, the

relationship developed between the two. She claims to have been pregnant through this relationship. Thereafter, the informant had raised a grievance that the applicant, without informing her, married another individual on 16.06.2024 and that on 18.06.2024, he called her at the airport and allegedly stated that he would take care of the informant, despite the fact that he had married another individual and he asked her to abort the child. But, when the informant allegedly refused to do so, he abused and assaulted her.

4. The aforesaid statement of the informant led to registration of FIR bearing No.0323 of 2024 dated 24.06.2024 at Phaltan City Police Station, District Satara, for offences under Sections 376(2)(n), 497, 504 and 506 of the Indian Penal Code, 1860. The applicant is apprehending arrest in connection with the said FIR.

5. This Court has heard the learned counsel for the applicant and the learned APP for the State on the question of grant of interim relief, for the reason that during the pendency of the application, if the applicant is not granted such relief, he may be arrested. In any case, the informant intends to file intervention application.

6. This Court is inclined to consider the prayer for interim relief, particularly in the light of a fact brought to the notice of this Court, which is that the father of the applicant caused an FIR bearing No.0327 of 2024, to be registered in the very same police station on the next date i.e. on 25.06.2024 against the informant, claiming that she has been threatening and trying to extort money from the applicant.

7. Having considered the material on record, this Court is inclined to grant interim relief, for the following reasons:

- (i) In the present case, the informant has not claimed that the applicant gave any promise of marriage and in that context, he had physical relationship with her. The applicant is a married woman and *prima facie*, it is difficult to understand as to how she could allow the applicant to establish physical relationship with her on the promise that he would take care of her all her life. *Prima facie*, the relationship between the applicant and the informant could be said to be a consensual relationship.
- (ii) The first incident of alleged physical relationship was of 02.08.2023, while the FIR had been registered after almost an year on 24.06.2024.
- (iii) Although the FIR caused to be registered by the father of the applicant is about 24 hours after the subject FIR, the allegations made therein appear to be relevant and a perusal of the papers pertaining to the said FIR would be necessary to consider the grievance of the informant in the present case.
- (iv) The reference to the incident dated 18.06.2024 in the present case *prima facie* appears to be to make an attempt to show as if the FIR has been registered immediately after the last interaction or incident between the applicant and the informant. It is crucial to note that the said incident is only two days after the applicant got married to another person on 16.06.2024. *Prima facie*, it appears that the informant was prompted to approach the police and cause the subject FIR to be registered upon being enraged about the fact that the applicant married another person on 16.06.2024.

8. For the aforesaid reasons, there shall be interim relief in the following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0323 of 2024 dated 24.06.2024 at Phaltan City Police Station, District Satara, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the trial court.
- (b) The applicant shall appear before the investigating officer on 05.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the investigating officer.
- (c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

10. The informant is at liberty to file intervention application before the next date of listing.

11. The learned APP is requested to keep the investigation papers pertaining to the subject FIR ready for perusal of this Court on the next date of hearing. It would be appropriate that the learned APP also takes instructions with regard to the FIR filed at the behest of the father of the applicant and also brings the investigation papers of the said FIR for perusal of this Court on the next date of hearing.

12. List the application for further consideration on 13.11.2024, High on Board.

(MANISH PITALE, J)