

Sayali Upasani

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

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ANTICIPATORY BAIL APPLICATION NO. 67 OF 2024

Mayur Prakash Jadhav

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Chaitanya Pendse with Ms. Siddhi Bhosale, for
Applicant.

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

Mr. Chaskar Khandeshwar, API, Navi Mumbai Police Station,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 21st FEBRUARY, 2024.

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) By an order dated 15th January, 2024, this Court while granting ad-interim relief observed, *inter alia*, as under:-

“...5. I have perused the allegations in the FIR. Prima facie, it appears that the applicant and the first informant were in a relationship. The applicant had allegedly made the first informant to believe that they would marry and had forcible intercourse with the first informant. The latter has also alleged that she learnt that the applicant's marriage was settled with another girl and, thereupon, she tried to contact the applicant and his parents, who

did not entertain her. Prima facie, the relationship appears to be consensual. The relationship allegedly lasted for months...”

3) The learned Counsel for the applicant submitted that in terms of the aforesaid order, the applicant appeared before the Investigating Officer and the applicant has handed over three mobile handsets to the Investigating Officer. The applicant has also submitted to medical examination.

4) The learned APP, on instructions of the Investigating Officer, concurs that the applicant had appeared before the Investigating Officer and produced three mobile phone handsets. The learned APP, however, submitted that the applicant has not handed over the pen drive which is referred to in the FIR. Though this position is contested on behalf of the applicant yet it is not necessary to delve into the same as from the perusal of the allegations in the FIR, it becomes evident that the applicant had allegedly informed the first informant that he had such a pen drive. It is not the case that the first informant had seen the said pen drive or the applicant had made use of the alleged pen drive to the knowledge of the first informant.

5) As noted in the order dated 15th January, 2024, the relationship prima facie appeared to be consensual. The

applicant and the first informant have turned astray. FIR came to be lodged as the applicant's marriage was settled with another girl. Whether the applicant never intended to keep his promise and the consent of the applicant for the act was given under misconception of the facts would be the matters for adjudication at trial.

6) In the circumstances, having regard to the nature of the accusation and the progress in the investigation, further custodial interrogation of the applicant does not seem warranted. The applicant appears to have co-operated with the investigation.

7) I am, therefore, impelled to make the order of interim bail absolute.

8) Hence, the following order.

ORDER

I) The order of Interim Bail dated 15th January, 2024 is made absolute on the terms and conditions incorporated therein.

II) The applicant shall appear before the Investigating as and when directed by the Investigating Officer

III) The applicant shall regularly attend the proceedings before the jurisdictional Court.

IV) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]