

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

ANTICIPATORY BAIL APPLICATION NO. 228 OF 2024

Chetan Vijay Jadhav

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Abhiraj Parab, Advocate for the Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.1536/2023, dated 2nd December, 2023, registered with Malvani Police Station, Mumbai under Sections 376, 377 and 420 of the IPC.

2. Heard Mr. Parab, learned counsel for the Applicant and Ms. Ganapathy, learned APP for the State.

3. The FIR is lodged by the victim herself. She was 29 years of age. She has stated that she was studying with the

Applicant in school. They got in contact with each other in the year 2018 through social networking site and their acquaintance turned into love relationship. In December, 2018, the Applicant called her to meet in one Hotel. They had first physical relations on that occasion. Initially, she was not willing to keep physical relationship but the Applicant promised to marry her. After that for about six years they were having regular physical relations at various places on various occasions. The informant and her mother were constantly asking the Applicant about marriage but he used to tell that he was about to give divorce to his first wife and that case was going on in the Family Court. He used to tell them that after the divorce was granted, he would marry the informant. It is further alleged that on different pretext he obtained money from her. In all, he obtained Rs. 2,45,000/- but even after that he did not marry her and therefore, she lodged the F.I.R.

4. Learned counsel for the Applicant submitted that from the FIR itself, it is quite clear that it was a purely consensual relationship. He submitted that the informant is

harassing the Applicant and his family members. She is sending abusive messages and is even harassing his friends. He submitted that no offence has been committed because it was a purely consensual relationship and FIR is lodged out of anger.

5. Learned APP submitted that apart from the allegations of physical relationship, there is angle of misappropriation of Rs.3,45,000/-. She further submitted that in a supplementary statement, the informant has stated that the Applicant used to give some drink to her because of which she used to feel drowsiness. Learned APP submitted that apart from these circumstances, in case if the Applicant is protected, he be directed to attend the police station for cooperating with the investigation.

6. I have considered these submissions. The FIR itself indicates that it was a clear case of consensual relationship, though she has stated that at the first instance the physical relations were kept against her wish. However, the relations continued for a long period of six years. She was aware of the

Applicant's first marriage and the pending proceedings. In spite of that she kept the physical relationship for six long years. Therefore, there is substance in the submissions of the learned counsel for the Applicant that, it was a consensual relationship. I also find force in the submissions of learned counsel for the Applicant, that the FIR is lodged out of anger and the allegations are exaggerated. In that view of the matter, there is hardly any corroboration to the allegations of taking money by the Applicant.

7. In this view of the matter, the custodial interrogation of the Applicant will cause irreparable harm to him.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.1536/2023, dated 2nd December, 2023 registered with Malvani Police Station, Mumbai, 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 Applicant shall attend the concerned Police Station from 12th February, 2024 to 14th February, 2024 between 01.00 to 05.00 p.m. and thereafter as and when called. The Applicant shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)