

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

ANTICIPATORY BAIL APPLICATION NO.764 OF 2024

Tanaji Barmaram Kachare Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Satyavrat Joshi i/b. Shivani S. Kondekar, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th MARCH, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.129/2024, dated 09/02/2024, registered with Bharati Vidyapeeth Police Station, Pune City, under sections 376, 376(2)(n), 506 of the Indian Penal Code.

2. Heard Mr. Satyavrat Joshi, learned counsel for the Applicant and Ms. Rajeshree V. Newton, learned APP for the State.

3. The FIR is lodged by the victim herself. She has stated that she was 30 years of age. She was residing separately from her husband about 6 years prior to the lodging of the FIR. Her children were staying outside Pune for education. She got in contact with the present Applicant because he was intervening in a dispute between the informant and her neighbour at her native place. Their acquaintance grew into friendship. The Applicant started visiting her house. It is her case that on 13/09/2023, he established physical relations with her against her wish. He told her that he would marry her. He further told her that she should not tell about this to anybody, otherwise he would inform her son about this incident. He was threatening her that he would make her photographs viral. It is her case that he continued calling her telephonically and continued threatening her. The FIR goes on to mention further incidents on 03/10/2023, 07/10/2023 and 10/11/2023 when they had their physical relations. She did not tell about it to anybody out of fear, but since the incidents kept repeating, she lodged this FIR.

4. Learned counsel for the Applicant submitted that the alleged incidents are false. The Applicant has WhatsApp messages sent by her showing intimate relations and love affair. Only after the relationship became sour, this FIR was lodged. The FIR itself shows that it was a consensual relationship. There was no question of issuing threats. The FIR does not mention that the Applicant had shot any photographs.
5. Learned APP opposed these submissions. She relied on the statement of the informant's father. According to the learned APP, the Applicant had threatened the victim.
6. I have considered these submissions. As far as the victim's father's statement is concerned, her father has stated that the Applicant had approached him and had told him that he would marry the informant and that he would look after her. The informant's father was not agreeable to that proposal and did not accept it. However, this shows that the Applicant was serious about this relationship and it was not an empty promise, which he had made to the informant. The informant's father's

statement further mentions that he had disclosed their intention to lodge the FIR. Even at that time, the Applicant had not used any photographs and had not pressurized the informant or her father. Therefore, the theory of having photographs and giving threats to make them viral, does not appear to be probable. However, at this stage it is not necessary to give any positive finding. Sufficient doubt is created about the informant's case. From the FIR, it appears that it was a consensual relationship. The informant was already married and both of them were aware of that fact. In this view of the matter, custodial interrogation of the Applicant is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.129/2024, dated 09/02/2024, registered with Bharati Vidyapeeth Police Station, Pune City, 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 as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)