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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1206 OF 2023**

MRS. XYZ

..APPELLANT

VS.

1. THE STATE OF MAHARASHTRA

2. AJIT DATTATRAY SALUNKE

..RESPONDENTS

Adv. Vivek N. Arote for the appellant.

Smt. Sangeeta D. Shinde, APP for the State.

Adv. Sachin N. Nangare i/b. Adv. J. V. Tare Patil for
respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : APRIL 1, 2024

P.C. :

1. Heard learned counsel for the appellant, learned APP
for the State and learned counsel for respondent No.2.

2. Learned counsel for the appellant submitted that the
trial Court was not justified in enlarging the respondent
No.2 on bail in view of the serious allegations. It is
submitted that there was no reason to doubt the version of
the prosecutrix. My attention is invited to the accusations in
the FIR which is at Exhibit-'A'. It is submitted that the
accusations are serious and the ingredients of the alleged
offence are clearly attracted. It is further submitted that the

respondent No.2 is pressurising the complainant to withdraw the complaint.

3. I have heard learned APP and learned counsel for the accused. I have perused the impugned order. I see no reason to interfere with the impugned order. The trial Court has recorded prima facie observations that the relationship between the parties was consensual in nature. The trial Court has also relied upon the observations of the Hon'ble Supreme Court in the case of Anurag Soni Vs. State of Chhattisgarh¹. A reference is then made to the decision in Ansaar Mohammad vs. The State of Rajasthan².

4. I see no reason to take a view different from that of the trial Court especially in a matter where the trial Court has enlarged the accused on regular bail on the terms and conditions mentioned in the order.

5. If it the contention of learned counsel for the appellant that the accused is threatening her to withdraw the complainant, it is always open for the complainant to approach the trial Court alleging breach of conditions or on

1 AIR 2019 SUPREME COURT 1857

2 2022 Live Law (SC) 599

the ground that the accused is threatening the complainant to withdraw the complaint. The trial Court shall obviously consider the application for cancellation of bail alleging breach of conditions on its own merits and in accordance with law.

6. Keeping this liberty open, the appeal is rejected.

(M. S. KARNIK, J.)