

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

ANTICIPATORY BAIL APPLICATION NO.26 OF 2024

Rohit Ashok Sabanvar

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Abhishek Yende a/w Yash Dinde a/w Priya Dangat a/w Shubham Kanite a/w Hiral Shah i/b. Yende Legal Associate, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.925/2023, dated 03/11/2023, registered with Baramati City Police Station, Pune Rural, under sections 376, 377, 506 of the Indian Penal Code.

2. Heard Mr. Abhishek Yende, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by the victim herself, who was 33 years of age. She has stated that in the year 2022 she got acquainted with the Applicant. Their acquaintance turned into love affair. The FIR goes on to mention various instances when both of them had physical relations. The informant has stated that on the first occasion the Applicant had given her something to drink and under that state, first time the relations were kept. Subsequently, those relations continued at various places on various occasions. After some time, the Applicant stopped contacting her and severed all their relations. After that, this FIR is lodged.

4. Learned counsel for the Applicant submitted that the FIR itself mentions that the informant was aware that the Applicant was married. The informant herself was a married lady. The relationship continued on many occasions at different places. The informant stayed in his flat when the Applicant's wife had gone to her parents' house. He submitted that the

informant has knowingly kept the relations and therefore no offence is made out. It was a consensual relationship.

5. Learned APP on instructions states that the investigating agency does not want custody of the Applicant for the investigation purpose. However, she pointed out that the informant had appeared before the Court of Session, when the Applicant's Anticipatory Bail Application was heard and rejected. The informant is also made a party in this application. Therefore, she needs to be heard.

6. Considering these circumstances, I am inclined to issue notice to the Respondent No.2 i.e. the first informant. Learned counsel for the Applicant has made out a case for grant of ad-interim relief.

7. Hence, the following order :

ORDER

- (i) Issue notice to the Respondent No.2 returnable on 20/02/2024.

- (ii) The Investigating Officer shall inform the first informant about the pendency of this application and the next date of listing.
- (iii) In the event of his arrest in connection with C.R.No.925/2023, dated 03/11/2023, registered with Baramati City Police Station, Pune Rural, till the next date, 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.
- (iv) This order shall operate till 20/02/2024.
- (v) The Applicant shall cooperate with the investigation in the meantime.
- (vi) Stand over to 20/02/2024.

(SARANG V. KOTWAL, J.)