

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

ANTICIPATORY BAIL APPLICATION NO. 83 OF 2024

Hitesh Mahesh Thakur

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Niranjan Mundargi a/w. Harshman Chavan i/b. Ashely Cusher
for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 15 JANUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1149 of 2023, registered at Virar Police Station, under Sections 376, 376(2)(n), 323, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Niranjan Mundargi, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The first informant is present in the Court in person on

her own. She seeks time to engage an advocate and to file an application for intervention. She seeks adjournment. At her instance, today I am adjourning the matter. I have heard the parties for consideration of ad-interim relief.

4. The F.I.R. is lodged by the victim herself. She has stated that, she was 33 years of age at the time of lodging of the F.I.R. She was a married lady. Even the applicant was married. She has described that, since January 2023, they came in contact with each other. The F.I.R. mentions multiple occasions and multiple places where they had their physical relations. The first informant has stated that, at the first instance, she was given something to drink because of which she was not conscious and at that time, the applicant committed that offence. On all the other occasions, he committed that act under threats and by blackmailing her. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the description in the F.I.R. shows that, all the instances mentioned in the F.I.R. are highly improbable. There are messages exchanged

between the parties which show that they were having a love affair and it was a purely consensual relationship. Learned counsel relied on some of the messages annexed to this application. He submitted that the informant was aware that the applicant was a married man. She herself was a married lady and yet they kept physical relations. Therefore, no offence U/s.376 of the I.P.C. is made out.

6. Learned APP seeks time to verify the claim of the learned counsel for the applicant based on the messages exchanged between the parties.

7. Considering these submissions, it appears that, there is some substance in the submissions made on behalf of the applicant. Therefore, he can be protected by way of ad-interim relief.

8. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.1149 of 2023, registered at Virar Police Station, till the next date, the Applicant be

released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) This order shall operate till 22/02/2024.
- iii) The Applicant shall attend the concerned Police Station from 29/01/2024 to 31/01/2024 between 1.00 p.m. to 4.00 p.m. and thereafter as and when called. The applicant shall cooperate with the investigation.
- iv) Stand over to 22/02/2024.

(SARANG V. KOTWAL, J.)