

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

ANTICIPATORY BAIL APPLICATION NO. 1388 OF 2024

Daryappa Sauba Sale

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Abhishek R. Avachat (Through V.C) a/w Mr. Siddhant Deshpande, Mr. Pramod Dhole and Mr. Mazhar Mujawar, for Applicant.
- Mr. Tanveer G. Khan, APP for Respondent.
- Ms. Hasina Shikalgar, API, Hadapsar Police Station, Pune.

CORAM : MANISH PITALE, J.

DATE : 10th DECEMBER, 2024.

P. C. :

1. Heard, learned counsel for the applicant and the learned APP for the respondent – State.
2. In this application from 14th May, 2024, interim order is operating in favour of the applicant.
3. The learned APP, on instructions, submits that the applicant has cooperated with the investigation, although his medical examination could not be conducted.
4. The learned counsel for the applicant submits that the informant as well as the applicant are major and the FIR in the present case has been registered after about 15 months of the first alleged incident and after about 4 months from the last such incident. It is specifically submitted that the applicant and the informant were in a relationship with each other and this is

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evident from the messages exchanged between the two, copies of some of which are placed on record with the application.

5. Considering the fact that interim order has been operating in favour of the applicant from 14th May, 2024, and it is found that he has cooperated with the investigation, this Court is inclined to allow the present application. There is substance in the contention raised on behalf of the applicant that this could be said to be a case of a relationship between two major individuals having gone wrong and in that backdrop the FIR being registered. The copies of messages placed on record along with the application, *prima facie* indicate that the informant consensually developed a relationship with the applicant. The FIR appears to have been registered about 15 months after the first alleged incident and about 4 months after the last such incident. It appears that the informant and the applicant knew each other and developed a relationship over a period of time.

6. In view of the above, the order dated 14th May, 2024, is made absolute and the application is allowed, subject to the applicant continuing to cooperate with the investigation. He shall not tamper with the evidence and he shall not influence the informant, witnesses or any other persons concerned with the case.

(MANISH PITALE, J.)