

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

ANTICIPATORY BAIL APPLICATION NO. 1477 OF 2024

Saras Kumar Churiwal

... Applicant

Vs.

The State of Maharashtra & Ors.

... Respondents

Adv. Ashok M Saraogi, for the Applicant.

Ms. Mahalaxmi. Ganapathy, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 28th May, 2024

(VACATION COURT)

P.C.:-

1. At the outset learned Advocate for the applicant seeks leave to produce on record the Order passed by the Trial Court. Leave granted.

Amendment be carried out within 2 weeks from today.

2. Heard for sometime, this Application is filed seeking bail in the event of arrest of the Applicant in connection with FIR No. 0584 of 2024, registered with Malwani Police Station for the offence punishable under Section 376 (2) (n) of the Indian Penal Code.

3. It is alleged by the Informant a lady of 41 years that she had registered her name on matrimonial website. It is through the matrimonial website she came to know about the accused on the website namely Shadi.com. It is on that they came in contact with each other. Thereafter

they started meeting with each other. On 12.01.2024 the Applicant went to her house in a car and from there he took her at Dana Pani Beach, Marve Road, Malwani Malad Mumbai. They even went for a dinner in a hotel. It is alleged that thereafter the Applicant established physical contact with her in the car by force. In spite of a resistance he continued to have relations under the pretext of getting married. This continued and he established contact for 4 times. Last such occasion was on 19.03.2024, it is alleged that thereafter he stopped contacting the Informant and even did not respond to her calls by blocking her mobile number. It is thereafter the complaint came to be lodged.

4. The learned Advocate for the Applicant vehemently argued that no ingredients of the offence of rape are made out. The relationship was consensual relationship. The Informant is a well matured lady knowing the consequences of her acts. There are no criminal antecedent, he thus prays for allowing the Application.

5. The learned APP opposed the Application stating that the Applicant has taken disadvantage of the helplessness of the Informant under the pretext of getting married when he had no intention. She prays for rejection of the Application.

6. Respondent No. 2 who is present in person also addressed this Court and prayed for rejection of the Application stating that the relationship was not consensual relationship but was under force.

7. After hearing the parties, this Court finds that till returnable date the Applicant needs to be protected, hence the following order.

ORDER

- a) Issue notice to Respondents, returnable on 18th June, 2024. Learned APP waives notice for Respondent/State. Respondent No. 2 waives notice in person.
- b) Till the next date, in the event of arrest of the Applicant in connection with FIR No. 0584 of 2024, registered with Malwani Police Station for the offence punishable under Section 376 (2) (n) of the Indian Penal Code, he shall be released on bail on executing P. R. bond and solvent surety in the sum of Rs.15,000/-.
- c) The Applicant shall not try to influence the investigation and co-operate with the investigation officer. The Applicant not to tamper with evidence and not try to pressurize any of the witnesses.
- d) The Applicant shall attend before the concerned police station on 30.05.2024, 06.06.2024 and 13.06.2024, between the 10.30 a.m. to 12.30 p.m.
- e) The Applicant shall keep informed the concerned Police Station about his residential address, mobile number etc. and other contact details.

8. The Office of Legal Services Authority is requested to appoint an Advocate to represent Respondent No. 2.
9. Stand over to 18th June, 2024.

(KISHORE C. SANT, J.)