

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

Anticipatory Bail Application No. 1596 of 2024

Rajiv Vallabhbhai Mahida
Age 40 years, Occ. Business,
Adult, Indian Inhabitant,
R/at. B/104, Vallabh Nagar,
Opp. Baroda Prestige, Varachha
Road, Surat City, Surat,
Gujarat – 395 003.

...Applicant

Vs.

1. The State of Maharashtra
Through Mira Road Police Station,
Mira Road (E), District Thane.

2. XYZ

Age 31 years, Occ. Caretaker,
Room No.101, Shyam Height,
Y. K. Nagar, Opp. Virar School,
Mira Road, Mira Bhayander,
Tal. Vasai, District Palghar

...Respondents

Ms Anjali Patil a/w. Jigar Engineer, for the Applicant.

Mr Amit A Palkar, APP, for Respondent No.1 – State.

Ms Seema Singh, for the Respondent No.2.

API Pravin Bhosale, Mira Road Police Station, is present.

Coram: R. N. Laddha, J.

Date: 29 July 2024

P.C.

The applicant shall mask the name of the informant/ respondent No.2 in the cause title of the application. The amendment shall be carried out forthwith.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.56 of 2024, registered at Mira Road Police

Station, Thane, for the offences punishable under Sections 376, 376(2)(n) and 420 of the Indian Penal Code.

3. The offence arises from a complaint filed by respondent No.2. The comprehensive First Information Report (FIR) describes the relationship that developed between respondent No.2 and the applicant, leading to physical intimacy. According to the informant, the applicant was already married, and he coerced her into a sexual act by falsely promising marriage.

4. Ms Anjali Patil, the learned Counsel appearing on behalf of the applicant, submits that the relationship between the applicant and respondent No.2 was consensual. They are both major, and pursuant to the ad-interim protection granted to the applicant on 16 February 2024 by the Sessions Court, the applicant has cooperated with the investigation, and nothing is to be recovered from the applicant.

5. Mr Amit Palkar, the learned Additional Public Prosecutor representing respondent No.1/ State, acknowledges that nothing is to be recovered from the applicant, and the investigation is almost complete. The applicant's custody is required only for his medical examination.

6. Ms Seema Singh, the learned Counsel appearing on behalf of respondent No.2/ informant, submits that multiple chat records exist between the applicant and respondent No.2. These chats suggest that the applicant persuaded respondent No.2 to engage in physical

relations. The applicant, while concealing the fact of his existing marriage, entered into sexual relations under the pretext of marriage.

7. A perusal of the FIR shows that respondent No.2 did not raise any complaints or grievances between July 2023 and the filing of the FIR in February 2024. The applicant and the informant are adults of legal age, and their relationship appears consensual. The prosecution contends that the applicant's custody is necessary solely for a medical examination. On instructions, the learned Counsel for the applicant, submits that the applicant is ready and willing to undergo a medical examination and cooperate with the investigation. The investigation is on the verge of completion, and nothing remains to be recovered from the applicant. Given the above, the application is allowed in the following terms:

(i) In the event of the applicant's arrest in CR No.56 of 2024, registered at Mira Road Police Station, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station on 1 August 2024, 2 August 2024, and 3 August 2024 between 11:00 a.m. and 2:00 p.m.

(iii) The applicant, himself or through any other

person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

(R. N. Laddha, J.)