

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1671 OF 2024**

Pushkaraj Babanrao Maske	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Ajit J. Kenjale a/w. Mr. Sohil M. Gulabani, Mr. Kaustubh K. Kandpile, Mr. Suraj J. Bansode, Mr. Sai Rajendra Kadam, Mr. Azharuddin A. Khan and Ms. Prachi B. Deokar for applicant.

Mr. Balraj B. Kulkarni, APP for respondent No.1-State.

Mr. Popat Ranaware, PSI, Police Station Baramati City, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 26th JUNE, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0416 of 2024 dated 31.05.2024 registered at Police Station Baramati City, District Pune Rural for offences under Sections 493, 376(2)(f), 376(2)(n), 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant leading to registration of FIR shows that she is related to the applicant-accused No.1. She has stated that for about four years, she has been separated from her husband and that the applicant came in touch with her, indicating that he was not happy in his own matrimonial life and that in this backdrop, on 29.04.2024, the applicant

allegedly took the informant to his house and committed forcible sexual intercourse with her. Thereafter, the informant herself has referred to further incidents dated 13.05.2024, 26.05.2024 and 30.05.2024, indicating that due to the threats given by the applicant, she had to further suffer physical and mental abuse at the hands of the applicant. As regards the last incident of 30.05.2024, it is stated that she went to him and at this stage, the mother of the applicant arrived on the scene and on that particular date, the informant was assaulted by the accused persons as a result of which the informant approached the police on 31.05.2024, leading to registration of FIR.

4. The learned counsel for the applicant submits that the narration of the events, as given by the informant herself, indicates that it was a consensual relationship between them. Reference is made to certain chats between the the applicant and the informant to indicate that the relationship was consensual. It is submitted that the applicant is ready to co-operate with the investigation and he will be surrendering his mobile phone to the Investigating Officer and therefore, this Court may consider allowing the present application.

5. The learned APP, on the other hand, submitted that specific allegations have been made by the informant and there is also an allegation of threat given by the applicant due to which the informant suffered physical and mental abuse. Ingredients of the offences are made out and hence, it is submitted that the application may be dismissed.

6. This Court has carefully perused the statement of the informant, which clearly shows that the informant was a married woman and she is also aware about the fact that the applicant is also a married man. The informant

herself has stated that after the first alleged incident of 29.04.2024, she did meet the applicant on specific dates. It is alleged that the applicant inflicted such physical and mental abuse upon the informant on such specific dates, by threatening her. But, as regards the incident on 30.05.2024, the informant herself surprisingly states that she went to meet the applicant at about 11:30 a.m. in order to get married to him. Thereafter, the informant has alleged about the manner in which she was assaulted by the applicant and his mother.

7. This Court is of the opinion that when the informant herself is a married woman, although she claims to be living separately from her husband for about four years coupled with the fact that she was aware about the applicant being a married man and despite alleged incidents and mental and physical abuse at the hands of the applicant on 29.04.2024, 13.05.2024 and 26.05.2024, the informant herself claims to have gone to the applicant in order to get married with him. These statements of the informant give an impression to this Court that the informant and the applicant were in relationship with each other, despite the fact that both are married individually. A *prima facie* case is made out by the applicant in his favour.

8. This Court would not like to comment upon the alleged exchange of chats between the informant and the applicant, which would be a matter for further investigation. But, since the applicant is ready to co-operate with the investigation and to surrender his mobile phone, this Court is inclined to allow the present application.

9. In view of the above, the application is allowed in the following terms:

(i) In the event the applicant is arrested, he shall be released on bail in

connection with FIR No.0416 of 2024 dated 31.05.2024 registered at Police Station Baramati City, District Pune Rural for offences under Sections 493, 376(2)(f), 376(2)(n), 323, 504 and 506 read with 34 of the IPC, on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one or two sureties in the like amount to the satisfaction of the trial Court;

- (ii) the applicant shall remain present before the Investigating Officer on 29.06.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present;
- (iii) the applicant shall not, in any manner, contact the informant;
- (iv) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
- (v) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(MANISH PITALE, J)