

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

Anticipatory Bail Application No. 2444 OF 2024

Akhilesh Vinod Pandey

Age 33 years, Occ. Service,

R/at. Kolsewadi, Chawl,

Gate No.03, Dawari Nagar,

Santacruz (E), Mumbai – 400 055.

..Applicant

Vs.

1. The State of Maharashtra

Registered at Bhoiwada Police Station

(transferred to Vakola Police Station)

2. X. Y. Z.

R. No. 701, Apali Akta Navpada,

Andheri, Marol Naka, Andheri (E),

Mumbai.

..Respondents

Mr Ashif Husain a/w Mr Huzer Qureshi i/b. Mohd. Qais Shakil Ahmed, for the Applicant.

Mr Yogesh Y. Dabke, APP for the Respondent – State.

PI Pravin Kharade, Vakola Police Station, Mumbai, is present.

Coram : R. N. Laddha, J.

Date : 18 September 2024

P.C.

Heard Mr Ashif Husain, the learned Counsel for the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent / State.

2. This is an application for pre-arrest bail filed by the applicant,

apprehending arrest in CR No.02 of 2024, registered at Bhoiwada Police Station, Mumbai, which later on was transferred to Vakola Police Station and re-numbered as FIR No.749 of 2024, for the offences punishable under Sections 64 (2)(d) and 69 of the Bhartiya Nyaya Sanhita, 2023.

3. According to the First Information Report, the informant became acquainted with the applicant in January 2024. The applicant developed proximity with the informant. In the month of May 2024, the applicant allegedly had physical relations with the informant by giving a promise of marriage, however, later he refused to marry her which led to the registration of the present FIR.

4. Mr Ashif Husain, the learned Counsel appearing for the applicant, submits that the applicant and the victim are of legal age and were involved in a consensual relationship. The learned Counsel emphasises the considerable delay in lodging the FIR. The applicant has no criminal antecedent. The learned Counsel further submits that pursuant to the order of this Court the applicant has appeared before the investigating officer and cooperated with the investigation and is ready to undergo the medical examination.

5. Conversely, Mr Yogesh Dabke, the learned APP, representing respondent No.1/State argues that the offence is serious. The applicant engaged in sexual relations with the victim under false promise of

marriage. However, the learned APP acknowledges that the investigation is complete, except for undergoing a medical examination of the applicant, and nothing is to be recovered or discovered from him.

6. From the perusal of the allegations in the FIR, it becomes evident that the informant and the applicant were in a relationship for about 3-4 months and their relationship seems to have been consensual. The applicant and the informant are of legal age. Additionally, the applicant has no criminal antecedents. The investigation has concluded except for the applicant's medical examination which he is ready to undergo.

7. In the circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.02 of 2024, registered at Bhoiwada Police Station, which was later re-numbered as FIR No.749 of 2024, registered at Vakola Police Station, Mumbai, 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 20 September 2024 and thereafter as and when directed by the investigating officer.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R. N. Ladhha, J.]