

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

Anticipatory Bail Application No.2850 of 2024

Vikas Pannalal Gupta

Age: 25 years, Occ.: Carpenter,

Having his permanent address at-

Near Shivsagar Dairy, 90 ft. Road,

Sakinaka, Mumbai - 400072

... Applicant

v/s.

1. State of Maharashtra

(Through Sakinaka Police Station)

2. XYZ

Through Sakinaka Police Station

Janata Colony, Gandhi Nagar,

Jogeshwari (E), Andheri, Mumbai.

.... Respondents.

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Mr Viral Bhanushali, for the Applicant.

Mr Amit A Palkar, APP, for Respondent State.

Mr Mainak Adhikary, Legal Aid Appointed Advocate for
Respondent No.2.

Respondent No.2 present in person.

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Coram : R.N. Laddha, J.

Date : 17 October 2024

P.C. :

Heard Mr Viral Bhanushali, the learned Counsel
appearing on behalf of the applicant; Mr Amit Palkar, the

learned Additional Public Prosecutor representing the respondent/ State, and Mr Mainak Adhikary, the learned Counsel appearing on behalf of the respondent No.2.

2. This is an application for pre-arrest bail filed by the applicants, apprehending arrest in CR No.644 of 2024, registered at Sakinaka Police Station, Mumbai, for offences punishable under Sections 69, 352 and 351(2) of the Bhartiya Nyan Sanhita, 2023.

3. The prosecution alleges that the applicant and the informant became acquainted in November 2019 and subsequently developed a romantic relationship. Between 2022 and August 2024, it is alleged that the applicant engaged in sexual relations with the informant under the pretense of marriage but later reneged on the promise to marry.

4. At the outset, the learned Counsel of both the applicant and respondent No.2/the informant in unison submit that after the FIR was filed, the applicant and the informant got married and are now living together in harmony. They further submit that the relationship between the parties, prior to the filing of the FIR, was consensual and that both the applicant and the

informant were of legal age at the time. The learned Counsel for the informant/respondent No.2, based on instructions from respondent No.2 present in the Court, formally expressed consent for granting of anticipatory bail to the applicant.

5. The learned APP, acknowledges that the investigation has concluded, and given that the applicant and informant are now married and cohabiting peacefully, the prosecution does not seek the applicant's custody. This statement implies the prosecution's acquiescence to the applicant being granted pre-arrest bail.

6. Given these circumstances, the Court finds no reason to deny bail to the applicant in anticipation of his arrest. Accordingly, the application is allowed in the following terms :

(i) In the event of the applicant's arrest, in CR No.644 of 2024 registered at Sakinaka 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.

7. The application stands disposed of.

[R.N. Laddha, J.]