

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

Anticipatory Bail Application No. 2982 of 2024

Shashank Shivaji Patil
Age 34, Occ. Self Employed,
R/at. B 303, Arihant City,
Pipe Line Road, Near Saibaba
Temple, Bhiwandi,
Thane – 421 302, Maharashtra.

...Applicant

Vs.

1. The State of Maharashtra
Through the Senior Police Inspector.
Ambernath Police Station

2. Ms. Priyanka Manohar Saavartkar
A Wing, Room No. 704,
Manorma Nagar, Near Badlapur
Transport, Badlapur.

...Respondents

Mr Waqar Nasir Pathan a/w Ms Trupti Kudtudar, for the
applicant.

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

Mr Sandeep Satkar, for respondent No.2 (Legal Aid Advocate).

PSI Shahu Kaldate, Ambernath Police Station, is present.

Coram: R.N. Laddha, J.

Date: 29 November 2024

P.C.:

Heard Mr Waqar Nasir Pathan, the learned Counsel for
the applicant; Mr Amit Palkar, the learned Additional Public
Prosecutor representing respondent No.1/State and Mr Sandeep
Satkar, the learned Counsel appearing on behalf of respondent

No.2 /complainant.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.1230 of 2024, registered at Ambernath Police Station, Thane City, for the offences punishable under Sections 351(2) and 69 of the Bharatiya Nyaya Sanhita, 2023.

3. According to the FIR, the first informant/respondent No.2, and the applicant initially met in November 2023. their relationship soon developed into a romantic one. However, the situation took a dark turn when the applicant allegedly manipulated the complainant into intimate encounters under the false pretense of marriage. Eventually, the informant discovered that the applicant was already married. The applicant assured the informant that he would divorce his wife, but later, he broke his promise and began to distance himself, ultimately, refusing to marry her. These actions, led the informant to lodge the FIR, accusing the applicant of deception and betrayal.

4. The learned Counsel appearing on behalf of the applicant submits that both the applicant and the informant are consenting adults who were engaged in a mutual and consensual relationship, and both parties are married. It is further emphasised that there has been a significant and

unexplained delay in filing the FIR, which raises questions regarding the credibility of the allegations. The learned Counsel also highlights that, following grant of interim protection by the Court, the applicant has fully complied with the conditions imposed. Specifically, the applicant has voluntarily surrendered his mobile phone, undergone a medical examination as required and cooperated with the investigation.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, along with the learned Counsel for respondent No.2, jointly contend that the offence in question is of a serious and grave nature. They assert that the applicant misled the informant by making a false promise of marriage thereby deceiving her. The learned APP, however, acknowledges that the applicant has surrendered his mobile phone, undergone a medical examination, and cooperated with the investigation. The learned APP, further confirms that the investigation has been completed, and there is nothing to be recovered or discovered from the applicant.

6. Upon reviewing records, it is evident that both the applicant and the informant are of legal age and were involved in a consensual relationship. The relationship lasted from November 2023 to September 2024. The investigation has been

completed and there is nothing to be recovered or discovered from the applicant. To address concerns regarding tampering with evidence or witness influence, appropriate conditions can be imposed.

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.1230 of 2024, registered at Ambernath Police Station, Thane City, 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 as and when required.

(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. Laddha, J.]