

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

Anticipatory Bail Application No.2992 of 2024

Bhau Hanuman Savant

Aged: 36 years, Occ.: Service,

Residing at L-02, Room No.1404,

Meghmalhar Society, Sector 10,

Ghansoli, Navi Mumbai

... Applicant

Versus

1. The State of Maharashtra

At the instance of Senior Inspector
of Police, Rabale Police Station vide
their FIR No.456 of 2024

2. XYZ

(Through Rabale Police Station)

... Respondents

Mr Rahul Arote, for the applicant.

Mr Yogesh Y Dabke, APP, for the respondent/ State.

Ms Keral Mehta, Legal Aid appointed Advocate, for respondent
No.2.

PSI Rajendra Chitte, Rabale Police Station, Navi Mumbai.

Coram: R.N. Laddha, J.

Date: 29 November 2024.

P.C.:

Heard Mr Rahul Arote, the learned Counsel representing
the applicant; Mr Yogesh Dabke, the learned Additional Public
Prosecutor, representing the respondent/ State, and Ms Keral

Mehta, the learned Counsel representing respondent No.2.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.456 of 2024, registered with Rabale Police Station, Navi Mumbai, for the offences punishable under Sections 276(2)(n), 380, 313, 323, 506 of the Indian Penal Code.

3. According to the FIR, the first informant and the applicant met in February 2022. The informant borrowed a hand loan of Rs.30,000/- with interest from the applicant. However, by August 2022, she was unable to pay the interest. In October 2022, the informant visited the applicant's office to request an extension for repayment. The applicant then took the informant to Hotel Centre Point, where he engaged in sexual relation with her and took her photographs on his mobile phone. Subsequently, he repeatedly took the informant to various locations and established physical relations with her. When the informant's husband discovered their relationship, he sent a notice for divorce. The applicant then falsely promised to marry the informant and they began living together. During this period, the informant became pregnant, but the pregnancy was later aborted. The informant eventually discovered that the applicant had been married twice before and had five children.

Consequently, she left the applicant's home in April 2024 and returned to her parental home.

4. The learned Counsel appearing on behalf of the applicant, submits that both the applicant and the informant/victim are consenting adults who voluntarily entered into mutual relationship. Their interactions and the nature of their association were entirely consensual with no evidence of coercion or undue influence. The investigation has been concluded and there is nothing left to be recovered or discovered from the applicant. The applicant is ready to surrender his mobile phone and to undergo medical examination. The relationship between the applicant and the informant lasted from June 2022 till July 20224. Both the applicant and informant were already married. The learned Counsel highlights the delay in lodging the FIR. The learned Counsel further submits that the informant resided with the applicant for about a year. During this period the applicant through banking channels transferred Rs.50,00,000/- to 60,00,000/- to the family members of the informant.

5. The learned Additional Public Prosecutor and the learned Counsel for respondent No.2, opposing the application, argues that the offence is of a serious and grave nature. They argued that the applicant is accused of entering into a forcible physical

relationship with the informant. The learned APP, however, concedes that the investigation in the case is substantially complete, except the medical examination of the applicant and seizure of his mobile phone.

6. This Court has given anxious consideration to the rival submission made across the Bar and perused papers.

7. Upon perusing the material placed on record, it transpires that the applicant and the informant are of legal age and their relationship lasted from June 2022 to July 2024. There is a material available on record to indicate that the applicant on various occasions in all transferred an amount of Rs.50,00,000/- to 60,00,000/- in the bank accounts of family members of the informant. Both the applicant and informant were already married. Furthermore, there is substantial delay in lodging the FIR. The applicant is willing to surrender his mobile phone and undergo medical examination. To address concerns regarding tampering with evidence or witness influence appropriate conditions can be imposed.

8. Considering the allegations made against the applicant, this Court is inclined to allow the present application. Hence the following order.

Order

(i) In the event of the applicant's arrest in CR No.456 of 2024, registered with Rabale Police Station, Navi Mumbai, the applicant shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station on 2, 3 and 4 December 2024 between 11:00 a.m. and 2:00 p.m. to undergo his medical examination and surrender his mobile phone.

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

9. The application is disposed of accordingly.

[R.N. Laddha, J.]