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

Anticipatory Bail Application No.3244 of 2024

Ashutosh Ramshankar Jaiswal
Aged-24 years, Indian Inhabitant,
Residing at-H-01/1002, Bhoomi Park,
Phase-2, Jankalyan Nagar,
Malad (West), Mumbai - 400 067

... Applicant

versus

1. The State of Maharashtra
(At the instance of Senior Police
Inspector, Charkop Police Station)

2. XYZ

Charkop Police Station,
Mumbai - 67

... Respondents

Ms Manvi Sharma, for the applicant.

Ms Supriya Kak, APP, for respondent No.1/ State.

Mr Durgesh Rege, a/w. Mr Anvay Homkalas and Ms Poorva
Lamba, for respondent No.2.

Respondent No.2-in-person present.

WAPI Rajni Umbarkar (IO), a/w. PSI Sunil Sonawane (Pairavi),
Charkop Police Station, Mumbai, are present.

Coram: R.N. Laddha, J.

Date: 17 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.428 of 2024, registered at Charkop Police Station, Mumbai, for offences punishable under Sections 64, 64(2)(d), 69, 351(3) and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, under the pretence of marriage, the applicant established a physical relationship with the informant. However, the applicant reneged on his promise to marry the informant and began distancing himself to avoid further contact. This led the informant to lodge the present FIR, accusing the applicant of deception and coercion.

3. Ms Manvi Sharma, the learned Counsel appearing on behalf of the applicant, submits that both the applicant and the informant are consenting adults and engaged in a consensual relationship. The investigation is complete, and nothing is to be recovered from the applicant. Additionally, respondent No.2/ the informant, has consented to the applicant's anticipatory bail, and both parties are applying for the quashing of FIR by mutual consent. Further, the applicant is ready and willing to comply with the conditions imposed by this Court, including undergoing a medical examination.

4. Ms Supriya Kak, the learned Additional Public Prosecutor representing respondent No.1/State, submits that the offence is serious. However, she fairly acknowledges that the investigation has concluded, except for the applicant's medical examination.

5. Mr Durgesh Rege, the learned Counsel appearing for respondent No.2/ the informant, submits that the informant has no grievance against the applicant and consents to grant him pre-arrest bail. He further submits that the parties are in the process of applying for quashing of the FIR by consent.

6. Upon perusing the records, it appears that both the applicant and the informant are of legal age and were involved in a consensual relationship. Their relationship lasted from July 2022 to July 2024; however, the FIR was filed only in August 2024, suggesting a delay. The learned APP acknowledges that the investigation has concluded, except for the applicant's medical examination, and nothing remains to be recovered from the applicant. Furthermore, the learned Counsel for respondent No.2/ the informant submits that the informant has no objection to granting pre-arrest bail to the applicant. The informant, who is present in Court and identified by her Counsel, reiterates the contents of her consent affidavit dated 5 December 2024. In these peculiar circumstances, the

application is allowed in the following terms:

(i) In the event of the applicant's arrest in connection with CR No.428 of 2024, registered at Charkop Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or two sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station from 23 December 2024 to 25 December 2024 between 11 a.m. and 2 p.m. to undergo medical examination and as and when required by the investigating officer.

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

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)