

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

Anticipatory Bail Application No.3291 of 2024

Deepak Keshav Ghuge,
Aged about: 24 years,
Occ: Service,
R/at: Om Sai Niwas, 2nd Floor,
Sector R-2, Karanjade, Panvel,
Navi Mumbai.

... Applicant

Versus

1. The State of Maharashtra
(Through Sr. PI Kolsewadi Police
Station, Kalyan (W) Dist. Thane.

2. XYZ
(Notice to be served through
IO of Kolsewadi Police Station)

... Respondents

Mr Prasanna Shahane, for the applicant.

Mr Swapnil S Pednekar, APP, for respondent No.1/ State.

Mr Abhay Jadhavar, for respondent No.2.

PSI Siraj Shaikh, Kolsewadi Police Station, Kalyan, is present.

Coram: R.N. Laddha, J.

Date: 18 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in
connection with CR No.808 of 2024, registered at Kolsewadi

Police Station, Thane, for offences punishable under Sections 64, 64(2)(m), of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, the applicant engaged in forcible intercourse with the informant on multiple occasions at various locations under the false promise of marriage. Additionally, the applicant took gold ornaments and cash amount, totalling Rs.2,40,000/- from the informant.

3. The learned Counsel for the applicant submits that both the applicant and the informant are consenting adults who were in a consensual relationship. The informant, being a married woman, cannot claim to have acted under any false promise. From August 2021 to March 2023, the informant maintained a voluntary relationship with the applicant, fully aware of its implications. The allegations of misappropriating gold ornaments and cash, the learned Counsel contends, are an afterthought. In fact, the applicant had transferred Rs.90,000/- to the account of the informant's husband. The investigation, including the applicant's medical examination, has been concluded. Furthermore, the applicant has no criminal antecedents and is willing to adhere to any conditions set by the Court.

4. The learned Additional Public Prosecutor representing

respondent No.1/State, along with the learned Counsel for respondent No.2, jointly submit that the offence is of a serious nature. The applicant deceived the informant into a sexual relationship under the false pretext of marriage and obtained gold ornaments and cash from her. The informant's consent to the relationship was based on a misconception of fact. However, the learned APP, acknowledges that the investigation, including the applicant's medical examination, has been concluded.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material available on record. The primary contention raised by the respondent/informant is that her consent to the sexual relationship was obtained through deception, under the false promise of marriage, and that the applicant took her gold ornaments and cash. However, it is pertinent to note that the informant was already married. Thus, *prima facie*, her consent cannot be attributed to any alleged false promise or misconception of fact. It is also undisputed that the informant maintained a relationship with the applicant from August 2021 to March 2023 but filed the FIR only in July 2024, without offering any explanation for the delay. Furthermore, the learned APP confirmed that the investigation, including the

applicant's medical examination, has been completed.

6. In light of the above, the application is allowed in the following terms:

(i) In the event of the applicant's arrest in connection with CR No.808 of 2024, registered at Kolsewadi Police Station, Thane City, 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 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.]