

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

ANTICIPATORY BAIL APPLICATION NO.3693 OF 2023

Dnyaneshwar Bansi Gawade	..Applicant
Versus	
The State of Maharashtra & Anr.	..Respondents

**WITH
INTERIM APPLICATION NO.829 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.3693 OF 2023**

Tejaswi Santosh Pingat	..Intervenor
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IN THE MATTER BETWEEN

Dnyaneshwar Bansi Gawade	..Applicant
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Vivek V. Salunke, for the Applicant.
Ms. Ranjana D. Humane, APP for the Respondent/State.
Ms. Surbhi Agrawal, for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th AUGUST, 2024

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1. The Applicant is seeking anticipatory bail in connection with C. R. No.722 of 2023 dated 11th September, 2023 registered with Alephata Police Station, Pune Rural for the offences under Sections 376, 323 of IPC.

2. Heard learned counsel for the Applicant, learned APP for the Respondent/State and learned counsel for the Intervenor.

3. The FIR is lodged by the first informant, who is the victim in this offence. She has described that she got in contact with the Applicant in May 2023 through a social networking site. Their acquaintance turned into friendship and then in love affair. Both the families were agreeable to their marriage and therefore in June 2023 they had the engagement ceremony. It is her case that, the Applicant was constantly after her for keeping physical relations. In the meantime, another girl contacted the informant and told her that the Applicant was married to that girl. She sent a copy of marriage registration.

4. The informant confronted the Applicant. He denied the marriage and told her that the said girl was blackmailing him. On 21st October, 2023, the Applicant asked the informant to come to Pune. He took her to a lodge. It is her case that he expressed suspicion regarding her character. He assaulted her and kept forcible physical relations. He further told her that the informant should have a word with that girl and the informant should tell her not to create trouble in the relations between the informant and the Applicant. He further added that, if it was not possible for the informant to do that, then the Applicant would not marry her. On the next day, he left her at the bus stand. Being disturbed with the development, the informant consumed pesticide. She was taken to a hospital and after that she lodged her FIR on 11th November, 2023.

5. Learned counsel for the Applicant submitted that,

admittedly, the Applicant and the informant were to get married. The informant had not stated true facts in her FIR. Learned counsel relied on certain documents in the nature of the travel bills and the hotel bills showing that both of them had travelled to different places. He relied on the messages exchanged between them, which show that both of them had referred to their past relationships with other persons in their life. He submitted that considering all these aspects, it is quite clear that it was a consensual relationship and therefore, the offence under Section 376 of IPC is not made out.

6. Learned counsel for the Respondent No.2 i.e. first informant as well as learned APP opposed these submissions. According to them, the Applicant had not told the informant about his earlier marriage to that girl. They submitted that therefore, the relationship between the informant and the Applicant was based on misconception of fact. They submitted that one NC is lodged against the Applicant for causing harassment.

7. Learned counsel for the informant submitted that the Applicant had kept the informant's photographs as status on his WhatsApp profile.

8. Learned counsel for the Applicant responded to these submissions and further submitted that these photographs were not kept by him on his WhatsApp status, but those were only the screenshots taken by the informant from their previous chats. The

Applicant has not tried to cause any trouble to her.

9. I have considered these submissions.

10. The photographs of the travel documents and the messages show that the Applicant and the informant had got engaged. They have travelled to Delhi by flight. From Delhi, they had gone to Ujjain. From Ujjain they travelled to Indore. From there, they returned to Pune by bus. All these travel documents are annexed to this Application. Besides this, there are WhatsApp messages exchanged between the parties, which are annexed to this Application. One of the important exchange of messages dated 15th September, 2023 shows that the Applicant was telling the informant that the aforementioned girl was blackmailing him. There are indications that the informant was trying to help him. Even after that, their interaction shows that there are normal messages exchanged between them. In fact, the chats show that the informant had expressed love for the Applicant even on 14th October, 2023. Thus, there is force in the submissions of the learned counsel for the Applicant that the informant was aware of that another girl; and, in spite of that, they had a cordial relationship and they had continued with their love relationship.

11. Learned APP has submitted that the Applicant has attended the concerned Police Station after he was granted ad-interim relief.

12. As far as the registration of NC is concerned, the Applicant can be put to some conditions, so that there is no trouble caused to the informant by the Applicant. Considering all these aspects, I am inclined to protect to the Applicant on certain conditions. Hence, the following order :-

ORDER

- (i) In the event of his arrest in connection with C. R. No.722 of 2023 dated 11th September, 2023 registered with Alephata Police Station, Pune Rural, the Applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Applicant shall not cause any harassment to the first informant and her family.
- (iv) The Application is disposed of.
- (v) The companion Intervention Application is also disposed of.

(SARANG V. KOTWAL, J.)