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

**CRIMINAL APPEAL NO.406 OF 2024
WITH
INTERIM APPLICATION NO.1623 OF 2024**

GANESH GOVINDRAO ZENDE

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Dilip B. Shinde a/w Adv. Mohan C. Kumbhar for the
appellant.

Smt. Megha S. Bajoria, APP for the State.

API Nitin Khairnar, Sarkar Wada Police Station, Nashik City.

CORAM : M. S. KARNIK, J.

DATE : APRIL 22, 2024.

P.C. :

1. Heard learned counsel for the appellant and learned
APP for the State.

2. This is an appeal challenging the order dated
03.04.2024 passed by the Additional Sessions Judge-2,
Nashik rejecting the appellant's application for anticipatory
bail. The appellant is seeking anticipatory bail in C.R. No.84
of 2024 dated 15.03.2024 registered with Sarkar Wada
Police Station, Nashik City for the offence punishable under
Sections 376, 376(2)(n), 504, 506 of the Indian Penal

Code, 1860 and under Sections 3(1)(w)(i), 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter "Atrocities Act", for short).

3. My attention has been invited to the FIR dated 15.03.2024 lodged by the prosecutrix. Learned counsel for the appellant submitted that a reading of the FIR indicates that the relationship between the appellant and the prosecutrix was consensual in nature. It is submitted that the promise of marriage could not be said to be false since inception even if the allegations in the FIR are taken at its face value.

4. Learned APP to take instructions.

5. Issue notice to the respondent No.2, returnable on 11.06.2024. Learned APP waives service of notice on behalf of the State. The Investigating Officer to inform the respondent no. 2 the next date of hearing and that she has a right to be represented by an advocate or through legal aid.

6. In the meantime, the appellant needs to be protected by an interim order.

7. In the event of arrest of the appellant in connection with C.R. No.84 of 2024 dated 15.03.2024 registered with Sarkar Wada Police Station, Nashik City, the appellant – Ganesh Govindrao Zende be released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

8. The appellant to report to the Investigating Officer of Sarkar Wada Police Station, Nashik City on 29.04.2024 and 30.04.2024 between 11:00 a.m. and 1:00 p.m. and thereafter, as and when called and co-operate with the investigation.

9. Stand over to **11.06.2024**.

(M. S. KARNIK, J.)