



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.665 OF 2024

(Manoj s/o Jiyalal Maliye Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms P Lakhani, Advocate h/f Mr. M.P Kariya, Advocate for the applicant.
Mr. N. Autkar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 9, 2024

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.198/2024 registered with Police Station, Yeoda, District Amravati for the offences punishable under Sections 64, 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report lodged by the victim alleging that she got acquaintance with the present applicant and the present applicant promised her for marriage and subjected her for sexual assault. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that from the recitals of the FIR it reveals that there was a consensual relationship between the victim and the present applicant and out of that consensual relationship there was a physical relationship also. As far as the

custodial interrogation of the present applicant is concerned, which is not required. The applicant is cooperated with the investigating agency. In view of that, he be released on anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that on the false promise of marriage the victim has subjected for the sexual assault and as far as the submission regarding the consensual relationship is concerned, it is not correct. He submitted that considering the gravity of the offence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the recitals of the FIR from which it reveals that there was a love affair between the present applicant and the victim. Out of love affair, victim roamed along with the present applicant and the physical relationship was developed between them. Merely because there was a promise and that promise was not fulfilled is not sufficient to attract the provisions. Considering that the custodial interrogation of the present applicant is not required and the relationship appears to be consensual in nature, the applicant has made out a case for grant of anticipatory bail. In view of that, the applicant can be protected by granting anticipatory bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Manoj s/o Jiyalal Maliye in connection with Crime No.198/2024 registered with Police Station, Yeoda, District Amravati for the offences punishable under Sections 64, 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing PR. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicant shall not enter into the vicinity of village Yeoda, Taluka Daryapur, District Amravati till further orders.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case physically or by way of electronic media.

6. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)