

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1618 OF 2015

[REDACTED] Patil ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Mr. M.S. Mohite i/b. Mr. P.G. Sarda, for the Applicant.
Mrs. M.H. Mhatre, APP for Respondent – State.
Mr. A.U. Nikam i/b. Mr. C.S. Damre, for the Intervener.
Mr. Pravin Patil(PI), Goregaon police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **10th MARCH, 2016**

P.C.:

1. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 420, 323 and 506 of the Indian Penal Code in C.R. No. 505 of 2015 registered with Goregaon police station, Mumbai. The offence was registered at the instance of prosecutrix on 7th October, 2015.

2. It is the case of the prosecutrix that she and the applicant/accused were known to each other. They were in love and the

applicant/accused promised to marry with her. The applicant/accused demanded sexual relation with her. They used to meet in hotel and stay there. She also helped the applicant financially. It is the contention of the prosecutrix that the applicant/accused used to keep physical relations with her even though she refuses for the same and he used to assault her. In May, 2015 she conceived out of their relationship. However, the applicant/accused told her to abort and therefore she forcibly aborted. Thereafter, she found that the applicant is not ready to marry her. However, it is the case of the victim that the applicant/accused cheated her on the pretext of false promise of marriage. Hence, this complaint.

3. The learned counsel for the applicant/accused submits that the relationship between the applicant and the complainant was out of mutual consent. He submitted that the case of rape is not attributed in this case. Therefore, the custody of the applicant is not required and he is to be granted pre arrest bail.

4. The learned prosecutor while opposing the application submits that the complainant was forced to keep sexual relationship

with the accused. She was also forced to go for medical termination of pregnancy. The complainant used to help the applicant financially whenever he was in problem. She kept sexual relations with the applicant on the pretext the he would marry her and therefore it amounts to cheating.

5. Perused the first information report and the statements. The age of the prosecutrix was 24 years when she gave first information report. It is her case that in the year 2015 she met with the applicant and they fall in love with each other. It appears from the first information report that the prosecutrix met the applicant in the hotels at Solapur. They stayed in the hotel and they had sexual relationship. The withdrawal of the promise of marriage is the reason to file such complaint. However, considering the age of the prosecutrix, I am inclined to grant pre arrest bail to the applicant.

6. Hence, I pass the following order,

- a) The anticipatory bail application is allowed.
- b) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 25,000/-

with one or two solvent sureties in the like amount;

- b) The applicant shall not tamper with the evidence;
- c) The applicant shall cooperate with the Investigating Officer and shall attend the investigating agency at Goregaon police station, Mumbai as and when called.
- d) The applicant shall not keep contact with the prosecutrix or her family members and not to harass them in any manner.

(MRS.MRIDULA BHATKAR, J.)

(MRS.MRIDULA BHATKAR, J.)

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