

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2784 OF 2022

Ashish Bhardwaj

....Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Vivek Pandey, a/w. Ms. Ridhima Mangaonkar, for the Applicant.

Ms. Purvi Shah, for Intervenor/Complainant.

Mrs. Rutuja Ambekar, APP, for State.

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CORAM : BHARATI DANGRE, J.

DATE : 19 OCTOBER 2022

P.C. :

Heard learned Counsel for the Applicant, learned Counsel for the Intervenor/Complainant as well as the learned APP.

2. Complaint filed by the prosecutrix, aged 24 years, resulted in registration of C.R. No.536 of 2022, which invoke Section 376 and 313 of Indian Penal Code and Section 67 of the Information Technology Act.

3. The Counsel for the Complainant make a specific statement that the relationship, which she established with the Applicant, was

consensual in nature. Apart from this, when the complaint is lodged by the prosecutrix, is perused, it can be seen that she was acquainted with the Applicant from July 2020 and was on friendly terms with him. They were in live-in relationship, which included the physical relationship. When she conceived, she was directed to abort. But when there was an avoidance from the Applicant to solemnize the marriage, she lodged the complaint in September 2022.

4. Considering that the concurrence of events is from July 2020 till filing of the complaint, even I have reached a conclusion that the relationship was between the two adults and it was a consensual relationship.

5. In this scenario, the Applicant deserves to be released on bail.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest, the Applicant – Ashish Bhardwaj shall be released on bail in connection with C.R.No.536 of 2022 registered with Versova Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall mark his attendance before the concerned police station as and when called for.

- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)