

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1048 OF 2015

Mahesh Shriram Dalvi	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Shekhar A. Ingawale, Advocate for the applicant.
Ms. Veera Shinde, APP for the State.
Mr. Kuldeep Nikam, Advocate for the complainant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 13, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under section 376(F)(N), 420, 341, 506 r/w. 34 of the Indian Penal Code in C.R. No. 84 of 2015 registered with Miraj City Police Station.

2. It is the case of the prosecution that the prosecutrix was 30 years old. She was married and having a son of 9 years old. She was tired of her husband, who always used to drink liquor and beat her. She came in contact with the applicant/accused, who established emotional as well as physical bound with her since 2008. The applicant promised her to marry. Relying on the promise given by the applicant/accused, she consented to have sexual intercourse with him. She begotten a baby girl on 11th September, 2012 from the applicant/accused. Thereafter in the year 2013,

the applicant refused to marry the prosecutrix, but he performed marriage with some other girl in the month of December, 2013. So, the prosecutrix lodged complaint against the applicant on 24th April, 2015. On the same day, the applicant/accused was taken in custody. Hence, this Bail Application.

3. The learned counsel for the applicant/accused pointed out that the prosecutrix was 30 years old having experience of married life and a mother of 9 years old boy. If it is so, then it was consensual. Now the applicant is also married. Hence, the applicant be released on bail.

4. Learned APP opposed the Application.

5. Perused the FIR. Considering the age of the prosecutrix and details given in the FIR, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- i) The applicant shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

- iii) The applicant shall not harass the prosecutrix or pressurize her in any manner;
- (iv) The applicant shall make himself available and attend all Court dates;
- (v) The applicant shall not abscond and furnish his address to the police along with address proof.
- (vi) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- (vii) The applicant shall not leave India without the prior permission of the Court.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)