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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.484 OF 2015

Ramesh Shrinivas Kadgol ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Raviraj R. Paramane, for the Applicant.

Ms.A.T.Javeri, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATED : 11th MARCH, 2015.

PC.

1. Learned Counsel for the Applicant seeks leave to delete the name of the complainant from the application. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the applicant and learned APP for the Respondent – State.

3. By this application, the Applicant seeks his enlargement on bail, in connection with C.R. No.I-16 of 2015 registered with the Koparkhairane Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376 of the Indian Penal Code.

4. The prosecutrix was married sometime in the month of February 2010 and was residing at Koparkhairane, Navi Mumbai. The complainant's husband was at the relevant time working with Reliance DAKC at Koparkhairane. According to the prosecution the applicant was also working with the said Reliance DAKC at the relevant time, pursuant to which the applicant and the complainant got acquainted with each other. It is alleged that the applicant had even proposed to the complainant on one such occasion. It is alleged that some time in June/July, 2012, the applicant had visited the house of the complainant, when her husband was on duty and had physical relations with the complainant against her wishes. The applicant thereafter allegedly threatened the complainant not to disclose the said fact to her husband. It is alleged that thereafter on a number of occasions, the applicant continued to visit the complainant's house, on some pretext or the other, in the absence of her husband.

5. Learned Counsel for the applicant states that the applicant has been falsely implicated in the present case and even otherwise, Section 376 of the Indian Penal Code, would not be attracted to the facts of the present case. He submitted that the FIR has been lodged by the complainant after almost 2 and 2 ½ years of the incident.

6. Admittedly, the parties are adults. Whether or not, there was consent to the relationship is a matter, which will be decided by the Trial Court. Considering the peculiar facts of the case and the statement of the complainant, the Applicant deserves to be enlarged on bail on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall not tamper or attempt to influence the witnesses or any persons concerned with the case ;

7. The Application is allowed and disposed of in above terms.

8. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)