

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1351 OF 2015**

|                           |               |
|---------------------------|---------------|
| Pradeep Dhondiram Thorwat | ...Applicant  |
| Versus                    |               |
| The State of Maharashtra  | ...Respondent |

Mr. Samarth S. Karmarkar for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**FRIDAY, 21<sup>st</sup> AUGUST, 2015**

**P.C. :**

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 248 of 2015 registered with the Dindoshi Police Station, for the alleged offences punishable under Sections 376, 420 of the Indian Penal Code, 1870 read with Sections 3(1)(10) and 3(1)(12) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The applicant, at the relevant time, was 28 years of age and the prosecutrix was 27 years of age. In the complaint dated 3<sup>rd</sup> May, 2010, she has alleged that she had met the applicant sometime in March, 2010, when

they were working in the same Office. She has stated that the applicant proposed to her sometime in May, 2010, however, she did not respond to the same immediately. She has further stated that as she liked the applicant, she thereafter in June, 2010, accepted his proposal and thereafter started meeting him regularly. She has alleged that the applicant had assured her that he will get married to her. Thereafter, they continued to meet and that even her friends were aware of their love affair. She has alleged that in June, 2014, when the applicant went to meet her parents, he disclosed to her that they were Hindu Marathas and that as she belonged to Scheduled Caste, there would be some problem, however, the applicant was ready to marry her inspite of the same. In October, 2014, it is alleged that the applicant promised the complainant that they would get married soon and on the assurance of marriage, he established relations with her. In January, 2015, the prosecutrix is alleged to have gone to the house of the applicant to meet his mother. However, the mother of the applicant is stated to have insulted her. It is alleged that thereafter sometime in January, 2015, the applicant continued to meet the prosecutrix and have sexual relations with her on the pretext of marrying her. On 3<sup>rd</sup> May, 2015, a complaint was lodged by the prosecutrix alleging offences punishable

under Sections 376, 420 of the Indian Penal Code, 1870. Subsequently, on 13<sup>th</sup> May, 2015, in her supplementary statement, certain allegations were made as against applicant, pursuant to which, the Sections 3(1)(10) and 3(1)(12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 came to be added.

4. Learned A.P.P submitted that during the pendency of this application, charge-sheet has been filed.

5. Be that as it may, on a perusal of the complaint, it appears that both, the applicant and the prosecutrix were adults and that there was a love affair between them. The applicant has been in custody since his arrest in May, 2015. Charge-sheet has been filed today. Considering the nature of allegations, the applicant is entitled to be enlarged on bail on the following terms and conditions :

### **ORDER**

(i) The applicant Pradeep Dhondiram Thorwat be released on bail in connection with C.R. No. 248 of 2015 registered with the Dindoshi Police Station, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact the prosecutrix or any witness concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Dindoshi Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

7. It is made clear that the above 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.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**