

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 641 OF 2015

Mahesh Sitaram Salunkhe	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Prakash Naik i/b. Mr. Mithun Mahajan, Advocate for the applicant.
Mr. J.H. Ramugade, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **29th April , 2015**

P.C.:

The Investigating officer was directed to remain present by an order 26th March, 2015. However, today the Investigating officer is not present.

2. This Application is moved for bail. The applicant/accused is facing charges under sections 376 and 506 of the Indian Penal Code. The victim is the wife of brother of the applicant/accused. It is the case of the prosecution that since 2006 till the date of offence, i.e. till 3rd March, 2015, the applicant/accused has sexually exploited her and forced her to keep sexual relations with him by using pressure and giving threats. This has affected her mutual health. Therefore, she gave complaint to the police, pursuant to which an offence was registered at C.R. No. 21 of 2015 at Gandhinagar Police Station, District Kolhapur. The applicant/accused is taken in custody on 4th March, 2015. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is working as a Lecturer in Engineering College. The victim at the time of lodging FIR was 40 years old. The applicant/accused is innocent and he is to be bailed out.

4. Learned APP opposed the Application. He relied on the order passed by the Sessions Court dated 12th March, 2015 rejecting the Application.

5. Perused the FIR. The applicant/accused is a brother-in-law and hence the family member of the prosecutrix. Even if it is accepted that he forced her to keep sexual relations with him in the year 2006, the victim was in her early 30's. Considering the nature of the allegations made, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) The Application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not keep contact with the prosecutrix in any manner.

- (iv) The applicant shall not pressure the prosecutrix directly or indirectly.
- (iv) The applicant/accused shall make himself available and attend all the Court dates.
- (v) The applicant/accused shall not abscond and shall 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.)