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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 401 OF 2015**

Rajan Raghunath Gaikwad ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Subhash Jha along with Rushita Jain i/by M/s. Law Global for the applicant.

Smt. V.S. Mhaispurkar, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 23, 2015**

P.C.

Heard learned counsel for the applicant and learned A.P.P.

2. The applicant is arrested by Loni Kalbhor Police Station of District Pune for the offences punishable under section 376 and 420 of the Indian Penal Code. The complainant Vrinda Khodse had alleged in her complaint that the applicant had kept physical intimacy with her during the period between January, 2014 to March, 2015 on the pretext that the applicant would marry her. It appears from the FIR that they had been frequently meeting outside and they had been frequently indulging in sexual intercourse at Hotel Nivant at Vadaki. FIR has been lodged on 21st April,

2015. The applicant is getting married today evening. The marriage cards have already been distributed and large number of people are likely to attend the marriage.

3. This application is only for the limited relief to the extent of releasing the applicant for the period of two days so that his marriage can be performed.

4. I have gone through the FIR. It appears from the FIR that the victim lady was having affair with the applicant and was maintaining continuous intimacy with the applicant. It further appears that the FIR has been lodged only after she came to know that the applicant was getting married.

5. It will have to be examined whether the allegations amounted to offence punishable under sections 376 and 420 of the Indian Penal Code. In any event, it is not necessary to comment on the merits of the case because the application is only for the limited relief.

6. Since the intimacy between the applicant and victim was upto December, 2014 only, it is not possible for the Investigating Officer to get any forensic evidence. The case will mainly base on the testimony of the victim lady. In the circumstances, in my opinion, it is in the interest of justice

that the applicant is released on bail for a period of two days so that his marriage can be performed. As already stated there are no chances of destruction of evidence due to release of the applicant on temporary bail. Hence, I pass the following order :

- (a) The applicant be released on bail in the sum of Rs.25,000/- with one surety in the like amount or cash bail deposit of Rs.25,000/- in lieu of surety. This order shall remain in force till 10.00 a.m. on 25th April, 2015.
- (b) The applicant shall surrender before the Investing Officer/Officer in charge of Loni Kalbhor Police Station on or before 10.00 a.m. on 25th April, 2015.
- (c) This order shall be communicated to the P.S.O. of Loni Kalbhor Police station by the relatives of the applicant. Humdusta is permitted. The concerned police Officer shall act upon the humdusta/authenticated copy of the order.
- (d) If the cash bail is offered by the applicant, the same shall be accepted by the Officer in charge of Loni Kalbhor Police Station and shall be deposited in the court of concerned Magistrate on the next working day.

Application stands disposed of.

(JUDGE)