

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1007 OF 2015

Rajan Venkatesh Naidu

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Prabha Badadare i/b Mr. P. R. Arjunwadkar for Applicant

Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 30th JULY 2015

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 19/04/2015 in crime no. 92 of 2015 registered at Wagale Estate Police Station for offence punishable under sections 376, 313, 452, 363, 504, 506, 354, 143, 149 and 427 of Indian Penal Code.

2) It is the case of prosecution that on 18/04/2015, prosecutrix aged about 38 years old and mother of a son who is 16 years old lodged a report at the police station alleging therein that in the year 2008, she was working Kashish Massage Parlour. There, she had met the applicant. They had acquainted with each other. The said acquaintance turned into a relationship. In the year 2010, applicant had given her a rented premises in Gnyaneshwar Nagar. She was

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residing there with her son. In the year 2013, out of the said relationship, she had conceived pregnancy, however, at the instance of present applicant, she had undergone abortion. According to the complainant, in November 2013, she had given a golden chain and two rings to the applicant since he wanted to go to his village. He had not returned the said amount to her. That he used to harass the complainant. He used to threaten her of dire consequences, more particularly, endangering the life of her son and used to have sexual intercourse with her.

3) On 04/04/2015, complainant had allegedly informed the wife of applicant about his relationship. Thereafter, applicant is alleged to have called some females and assaulted the complainant. She was also assaulted in front of his wife. It is alleged that applicant had indulged into similar activities even in the past.

4) Investigation is completed and charge-sheet is filed. Learned counsel for the applicant submits that applicant and complainant were in a consensual relationship since he had given her a room on rent. According to learned counsel, complainant was attempting to extort money from applicant and since applicant did not oblige, she lodged a report. It is further submitted that

in F.I.R. itself, complainant has stated that applicant is having Mercedes car and at the same time, she has alleged that when he wanted to go to his native village, he did not have sufficient funds and she had sold her golden chain and given money to him. This by itself, according to learned counsel would show the falsity of the allegations.

5) Be that as it may, investigation is completed and charge-sheet is filed. Prima facie, it appears that applicant and complainant were in a relationship. Taking into consideration the papers of investigation and submissions advanced across the bar, this Court is of the opinion that applicant deserves grant of bail. However, it is made clear that observations made herein above are restricted to the application under section 439 of Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 50,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall not reside in the jurisdiction of Waghle Estate

Police Station for a period of 8 weeks from the date of his release.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)