

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1282 OF 2015

Chetan Laxman Pawar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Satyavrat Joshi, for the Applicant.
Mrs. Veera Shinde, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 27, 2015

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offence punishable under Section 376 of the Indian Penal Code in C.R. No. 87 of 2015 registered with Vimantal police station, Pune.

2. It is the case of the prosecution that the prosecutrix gave information to the police on 24th April, 2015 that she came in contact with the applicant/accused Chetan and they started working together

in one a mall. Their acquaintance turned into an affair. The applicant/accused promised her to marry. Thereafter, she agreed to have sexual relationship with him. This continued from 6th February, 2013 till January, 2015. During that period, the applicant/accused against her wishes had sexual intercourse with the prosecutrix. However, when she came to know that he is not going to marry her and get engaged with some other girl, she gave the complaint.

3. The learned counsel for the applicant/accused submitted that he is innocent. He submitted that even the allegations are accepted as it is, it was a consensual sexual intercourse. He is in prison since 25th April, 2015. He has no criminal antecedents.

4. The learned prosecutor opposed the application. He submits that apart from the prosecutrix, there is a statements of one neighbour and a friend of the applicant/accused that the applicant and the complainant having affair and they were in a relationship.

5. Perused the first information report. It appears that *prima facie* the applicant and the girl were in love with each other. It is

alleged that there was sexual relationship between the applicant and the prosecutrix. However, it appears that it was a consensual sexual intercourse as the girl is major of 23 years old. Considering this and the view taken by this Court in the case of “*Mahesh B. Dandane vs. State of Maharashtra in Bail Application No. 27 of 2014 dated 12th March, 2014*”, I am inclined to grant bail to the applicant.

6. Hence, I pass the following order.

- a) The application is allowed.
- b) The applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 40,000/- with one or two solvent surety/s in the like amount;
- c) He shall not indulge in any other criminal activity or pressurize the complainant.
- d) He shall attend all the Court dates regularly.

7. Bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)