

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 985 OF 2015

Gautam Kalu Sonawane

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Sudeep Pasbola i/b Mr. Rahul Arote for Applicant

Mr. S. H. Yadav APP for the State.

Mr. Shashikant Padave, A.P.I. Khar Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 16th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in M.E.C.R. No. 6 of 2013 registered at Khar Police Station for offence punishable under sections 376, 420, 406, 504, 506 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that complainant herein had filed complaint before Metropolitan Magistrate 9th Court at Bandra which was registered as Criminal Case No. 348 of 2013. Learned Magistrate has recorded the verification statement of the complainant. On 28/11/2013, learned Metropolitan Magistrate has passed an order in the nature of direction under section 156 (3) of Code of Criminal Procedure, 1973 on the basis of which

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M.E.C.R. No. 6 of 2013 is registered. It is the case of prosecutrix that applicant herein happens to be maternal uncle of the complainant. It is alleged that his son was in love with the complainant and they had visited various places. Son of applicant had expressed his desire to marry complainant. Both families had consented. Complainant had sexual intercourse with son of applicant on various occasions. It is alleged that father of prosecutrix expired on 03/06/2012. Thereafter, son of applicant was evading to meet prosecutrix or to get married to her. It is also alleged that present applicant was looking for better proposals for his son. Son of the applicant namely Swapnil had allegedly informed complainant that applicant herein is looking for modern girl and therefore, son of the applicant had refused to marry prosecutrix. According to her, son of the applicant had induced her to have sexual intercourse with him on the assurance of marriage. It is alleged that present applicant had abetted the offence.

3) The contentions in the complaint, prima facie do not inspire confidence. The allegations against applicant is to the extent that he was instrumental in the refusal of the marriage between complainant and his son. In view of this, applicant deserves pre-arrest bail. It is made clear that observations made

herein above are prima facie in nature 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) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall report to concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)