

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1424 OF 2015

Jayesh Naresh Khedekar .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Aniket U. Nikam, Advocate, for the Applicant
Mrs.Rutuja Ambekar, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.340 of 2015 registered with the Borivali
Police Station, Mumbai, for the alleged offences
punishable under Sections 376 & 420 of the
Indian Penal Code, 1870.

3. The prosecutrix is aged 48 years and the applicant 28 years. The applicant is also the nephew of the prosecutrix. It appears from the complaint that from February, 2004 onwards the applicant would visit the house of the prosecutrix and that there was a love affair between the two; from February, 2007 there were physical relations between the applicant and the prosecutrix; and that some time in 2007 itself, the applicant and the prosecutrix started living together as husband and wife. In 2006, according to the prosecutrix, she had purchased a new house and both started living in the said house. According to the prosecutrix, in January, 2013, as the applicant was in need of money for his business, he convinced her to take a loan by mortgaging her house as well as some of her jewellery.

4. According to the prosecutrix, she took

a loan on the house and her jewellery by mortgaging them, only as the applicant had assured to repay the same and as he had promised to marry her. She has alleged that the applicant later refused to pay the said loan amount and refused to marry her.

5. Learned counsel for the applicant states that the applicant and the prosecutrix were in relationship right from 2007. He submitted that the applicant was paying instalments against the loan amount from time to time and is even today ready to pay the loan amount. As far as the loan amount taken on jewellery is concerned, he disputes having received any amount from the same. The statement of the learned counsel that the applicant is ready to pay the balance instalments of the loan taken on the flat is accepted.

6. Learned APP states that charge sheet has been filed during the pendency of this application.

7. Perused the papers. It appears that the applicant and the prosecutrix were in a relationship from February, 2007 and were living together as husband and wife. Admittedly, the parties are adults. It is also not disputed that the applicant has paid 17 instalments of the loan taken by the complainant by mortgaging her house. The prosecutrix has lodged the FIR alleging that the applicant subsequently did not pay the loan instalments, that he refused to meet her and did not marry her despite promising to do so.

8. Considering the nature of allegations and the fact that investigation is complete and charge sheet is filed, the applicant deserves to

be enlarged on bail on the following terms and conditions:

ORDER

(i) The applicant be released on bail in connection with C.R.No.340 of 2015 registered with the Borivali Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.10,000/- with one or two solvent sureties in the like amount;

(ii) The applicant to co-operate in the conduct of the trial;

9. It is made clear, that the observations are prima facie for the purpose of deciding the application and the learned Judge shall conduct the case on its own merits, uninfluenced by the observations made herein.

10. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)