

Anand

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

BAIL APPLICATION NO.1470 OF 2015

Vijay Thimappa Kawle .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.B.D.Chauhan, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.10.2015

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.I-311 of 2014 registered with the
Ambernath Police Station, Thane, for the alleged
offences punishable under Sections 376 & 506 of
the Indian Penal Code.

3. At the outset, learned counsel for the applicant seeks leave to delete the name of the prosecutrix wherever it appears in the application. Leave granted. Name of the prosecutrix be deleted forthwith.

4. According to the prosecutrix, she was residing with her husband and children at Ambernath. She has stated that opposite her residence, an old school friend of hers was residing. She has stated that the present applicant is the brother of her friend, who was residing opposite to her house. She has stated that the applicant was not married and that he would frequently talk to her; that their acquaintance turned into a love affair; and that she went with the applicant for a movie at Ulhasnagar. She has further alleged that the applicant asked her to come to Badlapur and hence she went there. According to the

prosecutrix, the applicant is alleged to have taken her to a lodge at Badlapur, where they had physical relations. She has alleged that thereafter, she started avoiding the applicant, but the applicant threatened to disclose their relations to her husband and relatives and accordingly pressurized her to go with him to the lodge, where he had physical relations with her against her wishes. It is alleged that on 20.11.2014 the applicant took the prosecutrix to the same lodge and attempted to have physical relations with her, which she refused. It is alleged that the applicant took her photos and disclosed that he will show video clippings which were on his mobile to her husband. Pursuant to the same, the aforesaid complaint came to be lodged.

5. Learned counsel for the applicant submits that the prosecutrix was having relations with the applicant on her own accord.

He submitted that the relations were consensual.

6. Learned APP states that the applicant, if enlarged on bail, will pressurize/threaten the prosecutrix, as they live in the same complex. Learned counsel for the applicant states that the applicant will not reside in the jurisdiction of the Ambernath Police Station, where the prosecutrix resides.

7. Considering the nature of allegations and the fact that investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Ambernath Police Station, Thane on the first

Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the prosecutrix, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant shall not enter the jurisdiction of the Ambernath Police Station where the prosecutrix resides, except for the purpose of attending the police station as per Clause(ii).

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the

applicant's bail.

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

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.