

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1490 OF 2015

Raj Devchand Vishwakarma ..Applicant

-Versus-

The State of Maharashtra ..Respondent

Ms.Shreya J. Shrivastava for applicant
Ms.Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 18th November 2015.

P.C.

1] This is an application for bail in C.R.No.113 of 2015 registered with Santacruz Police Station under section 376, 313, 506(ii) read with 34 IPC. In the F.I.R. lodged by the prosecutrix discloses that since July 2008, she was having affair with the applicant. The said affair was subsequently extended in having physical relationship. The applicant herein promised the victim to marry and under the said guise, he had sexual relationship with her on several occasions.

2] The F.I.R. further discloses that on 30th December 2014, the applicant abused the complainant on mobile phone. The complainant subsequently came to know that the applicant has got married with some other woman and, therefore, on 26th February 2015 the complainant lodged F.I.R. against the applicant as stated hereinabove.

3] The learned Counsel for the applicant submitted that a bare perusal of the F.I.R. discloses that the act of complainant was a consensual act. She further stated that the applicant was arrested on 12th March 2015 and since then, he is in jail. She invited my attention to the statement of the mother of the victim. It appears from the statement of the mother of the victim that she was aware about the affair of the victim with the present applicant, however, she did not object to the said relationship. I find substance in the submissions of the learned Counsel for the applicant.

4] A bare perusal of the F.I.R. discloses that the act on the part of the complainant was a consensual act as the complainant was and

is a major. The charge sheet in the present case has already been filed and the case stands committed to the court of sessions for trial. In view of the above, I am inclined to grant bail to the applicant on the following terms and conditions:-

- (i) The applicant shall be released on bail on his furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount.
- (ii) After release on bail the applicant shall not enter the jurisdiction of Mumbai Police Commissionerate and shall keep himself away from the said jurisdiction;
- (iii) The applicant shall furnish his detailed address where he intends to reside after release on bail to the I.O. and shall also furnish proof of the same to the Investigating Officer and to the trial court to be placed on record;
- (iv) The applicant shall not contact the complainant and also shall not tamper with the evidence or influence the prosecution witnesses;
- (v) The applicant is allowed to enter the jurisdiction of Mumbai Police Commissionerate only on that date when the sessions case arising out of the C.R.No.113 of 2015 will be

scheduled before the trial court. After attending the court proceedings, the applicant shall remove himself from the jurisdiction of Mumbai Police Commissionerate without any excuse;

(vi) The application is allowed in the aforesaid terms;

(A.S.GADKARI, J)