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

BAIL APPLICATION NO.1498 OF 2015

Ajit Bechar Patel .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.H.S.Venegaonkar i/b. Mr.G.B.Lal, Advocate,
for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.09.2015

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.322 of 2015 registered with the Goregaon
Police Station, Mumbai, for the alleged offences
punishable under Sections 323, 376 & 420 of the
Indian Penal Code, 1870.

3. The complainant is the prosecutrix, who has lodged the aforesaid complaint. According to the prosecutrix, she met the applicant some time in 2013 when she was working in a bar as a singer. She has stated that there were relations between them; that they would meet frequently; and that as the applicant had promised to marry her, she went with the applicant to various places. She has alleged that the applicant had committed forcible sexual intercourse with her against her wishes on the assurance that he would marry her. She has stated that in 2014, the applicant took her to one Mahalaxmi temple and applied sindoor to her. She has alleged that in August, 2014 the applicant even visited her parents residence and disclosed to them, that he intended to marry her. She has alleged that thereafter, despite giving an assurance, the applicant did not marry her. In May, 2015, she has stated that one Anil Patel disclosed to her

that the applicant had got married and showed her the photographs of the said marriage. She has alleged that when she questioned the applicant, the applicant confessed that he had married. According to her, on the assurance and promise that the applicant would get married to her, she established physical relations with the applicant.

4. Learned counsel for the applicant submitted that a similar complaint was lodged by the complainant as against one Ashish Gupta in April, 2014 alleging the very same offences i.e. under Sections 376 and 417 of the Indian Penal Code. He submits that the said FIR was later quashed with the consent of the prosecutrix. The said order dated 30th April, 2015, passed in Cri.W.P.No.1782 of 2015 by this Court is at page No.80 of this application. He submits that the applicant has been in custody since 4th July

2015.

5. It is not disputed that both the applicant and the complainant are adults. It also appears that the complainant has filed a similar case as against one Ashish Gupta which ultimately came to be quashed by this Court. Considering the nature of allegations and the material on record, the applicant is enlarged on bail on the following terms and conditions:

ORDER

(i) The applicant be released on bail in connection with C.R.No.322 of 2015 registered with the Goregaon Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact the prosecutrix or any witness concerned with the said case.

6. 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.

7. 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.)

CERTIFICATE

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