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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1632 OF 2015**

Ganesh Baban Mavale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.P.D.Dalvi, i/b Mr.R.G.Patil, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 15TH SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 306 of 2015, registered with the Nigadi Police Station, Pune for the alleged offences punishable under Section 376 of the Indian Penal Code.
3. The complainant is aged 27 years and the applicant is stated to be 24 years old. She has alleged in her complaint that she was residing at

Morevasti along with her husband and their four year old child. She has stated that the present applicant was also residing in Morevasti, and hence she was acquainted with the applicant. Pursuant to their acquaintance, the applicant and the complainant started meeting frequently. It is alleged that the applicant asked her to marry him and hence from October 2014 till the date of filing of the present complaint i.e. June 2015, the applicant was visiting the house of the complainant/prosecutrix and there were physical relations between them. She has alleged that the applicant had forcible intercourse with her, on the assurance and promise that he would marry her. She has alleged that he had physical relations with her against her wishes. She has further alleged that when she asked the applicant to marry her, the applicant refused to marry, pursuant to which the present complaint came to be filed.

4. Learned Counsel for the applicant submitted that considering the nature of allegations, the physical relations if any, were consensual. He submitted that the applicant has been in custody since the date of his arrest i.e from 12th July, 2015.

5. Be that as it may, whether the physical relations were consensual or not is a matter which will be considered and decided by the trial Court. Considering the nature of allegations and the fact that the applicant is in custody since 12th July, 2015, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on every Saturday between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet ;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;
- (iv) The applicant to cooperate with the conduct of the trial;

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

7. 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.

8. 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.
