

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 2418 OF 2014

Swapnil Laxman Mane

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Anjali Patil for Applicant

Mr. A. S. Shitole APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : JANUARY 12, 2015**

**PC :**

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 17/06/2014 in crime no. 45 of 2014 registered at Neral Police Station for offence punishable under section 376 of Indian Penal Code. Investigation is completed and charge-sheet is filed on 14/09/2014.

2) It is the case of prosecution that prosecutrix who is aged about 20 years and has pursuing her education in I.T.I. at Ghatkopar, Mumbai. Applicant herein happens to be her classmate. It is alleged that one day i.e. on 23/10/2013, applicant had given her love letter. She acquiesced to his love.

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From 24/10/2013, applicant and complainant had gone to various places and have sexual relations. According to complainant, initially, she had refused to maintain sexual relations, however, he had assured her that he would get married to her and therefore, she agreed. According to the complainant, since 15/05/2014, applicant was not answering her cellphone calls. He was avoiding to meet her. Hence, complainant was constrained to go to the house of the applicant. When she went to his house, she has disclosed to his parents about the love affair between applicant and herself. She had requested them to get her married to the present applicant. However, according to her, applicant as well as parents of applicant refused to solemnize the marriage and therefore, she felt cheated.

3) Learned counsel for the applicant submits that in fact, applicant is her classmate. That even according to the first informant, she had consensual sex with him on more than 23 occasions.

4) The question, whether there was an assurance to marry, is a subject matter of trial and could be adduced by recording substantive evidence.

Applicant has been in jail since 17/06/2014. Applicant has made out a case for grant of bail. Observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

**ORDER**

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

Application stands disposed of.

**(SMT. SADHANA S. JADHAV, J.)**