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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 11 OF 2016

Mr Sushil S. Giri Vs. The State of Maharashtra

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|------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|------------------------------------------------------------------------------------------------------------|---------------------------|

Mr Manoj Singh a/with Puneet Shukla i/by Miss Legal Associates  
for the applicant.

Ms A.T.Javeri, APP for the State.

Ruchali Sankpal, PSI present.

CORAM : A.S.GADKARI, J.

DATE : 20<sup>th</sup> January, 2016

PC.

1) The applicant is seeking bail in CR No.45/2015, dated 26/01/2015 registered with Bandra Police Station, Mumbai under sections 376 and 506 of the IPC.

2) The first informant/complainant has lodged the report on 26.1.2015. With a view to protect the identity of the victim, the detailed narration of facts mentioned in the said report are hereby avoided. Suffice it to say that on the basis of said FIR, present crime is registered against the applicant. The applicant is arrested on 13.9.2015. After completion of investigation, the police have now filed the charge-sheet.

3) A bare perusal of the FIR lodged by the victim discloses that the alleged act of rape by the applicant on the victim was a consensual

act. The complainant herself has stated that after the initial act of rape when the complainant insisted the applicant to marry with her, the applicant deposited a sum of Rs.1500/- in her account for her travel expenses to Lucknow. The complainant has further stated that she went to Lucknow to reside with the applicant on 5.12.2014. The complainant is major. She has also stated that the applicant was in the process to perform Court marriage with her. It is only after the fact was revealed to her that the applicant was earlier married, she lodged the present FIR.

4) After taking into consideration the above stated facts, I am of the opinion that the applicant has made out a case for his release on bail.

5) Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 45/2015 registered with Bandra Police Station, Mumbai on his furnishing a P.R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount;

(b) After release from jail, the applicant shall attend Bandra Police Station, Mumbai on every Monday between 10:00 a.m. to 12:00 noon till the conclusion of trial;

(c) The applicant shall not tamper with the evidence and/or influence the witnesses;

(d) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)