

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 245 OF 2016

Amit Rai @ Rahul Rai @ Madankumar Prasad vs. State of
Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Pankaj More i/by Nitin Kamble for the Applicant.
Smt. J.S.Lohokare, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 03rd October, 2016

P.C.

1. This is an application under section 439 of the Cr.P.C. for bail in CR No.244 of 2015 dated 12.5.2015 registered with Santacruz Police Station, Mumbai.

The first information report is lodged by Smt. Forum Sanghavi. It is stated in the first information report that the complainant/victim got acquainted with the applicant on social media namely Face Book. The said acquaintance was subsequently resulted into friendship. That, there were contacts between the applicant and the complainant on their respective mobile phones. The applicant is resident of Gorakhpur, Uttar Pradesh. The applicant thereafter came to Mumbai on 28.3.2016 and went to the house of the complainant. The applicant also shown certain morphed photographs of the applicant and

the complainant to her and threatened her to pay certain amount failing which he would publish those photographs to social media. The complainant thereafter directed to deposit certain amount in the bank account of Union Bank of India. That the said account was of Mr. Madan Kumar Prasad. It is further stated in the report that on 23.4.2015 the applicant had been to Mumbai. He invited the complainant to a hotel at Khar (W). Mumbai and committed rape upon her. That, the applicant thereafter used to give phone calls to the complainant and used to abuse her. The applicant also used to call the daughter of the complainant on telephone. Being fed up with the harassment of the applicant, the complainant informed the said fact to her husband and subsequently the present FIR came to be lodged. During the course of investigation the applicant came to be arrested on 14.2.2015. That, after completion of investigation the police have submitted the charge sheet in the Court of competent jurisdiction in the month of August,2015.

2. Heard the learned counsel for the applicant and the learned APP. and also perused the copy of the charge sheet annexed to the application.

3. The learned counsel for the applicant submitted that after perusal of the first information report it would reveal that the alleged act as contemplated under Section 376 of the I.P.C. was a consensual act between the applicant and the first informant though the first informant

was aged about 40 years and the applicant was 24 years on the alleged date of incident. He further submitted that as a matter of fact no photographs have been found in the mobile phone of the daughter and the husband of the complainant. He further submitted that it is only when the husband of the complainant came to know about the alleged relations between the applicant and the complainant the present crime is registered. He therefore, prayed that that the applicant may be released on bail.

4. After perusal of the first information report and the other documents annexed to the application, prima facie, I find substance in the contention of the learned counsel for the applicant. The applicant is arrested on 14.5.2015. It is informed that there are no antecedents at the discredit of the applicant. The police have already submitted the charge sheet. No further purpose will be served by further detaining the applicant in jail. In view of the above and in view of the peculiar facts of the present case, the applicant has made out a case for his release on bail.

5. Hence, the following order.

a) The applicant be released on bail in CR No.244/2015 registered with Santacruz Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the Santacruz Police Station once in a month i.e. on

every first Monday of the month between 11.00 a.m. to 2.00 p.m. till the conclusion of the trial.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in attending the Trial Court shall attract the proceedings under Section 439(2) of the Cr.PC.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)