

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 370 OF 2016**

Anil Ashok Adhav

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. R. S. Kate for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

PC Mr. Avinash Tukaram Darade from Baramati City Police Station, Pune
is present

CORAM : REVATI MOHITE DERE, J.
SATURDAY, 16th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P
for the State.

2. By this application, the applicant seeks his enlargement on bail
in connection with C.R. No. 36 of 2016 registered with the Baramati City
Police Station, Pune, for the alleged offences punishable under Sections
376, 504, 506 of the Indian Penal Code.

3. The complainant/prosecutrix is aged 21 years and the applicant
is aged 24 years. According to the prosecutrix, the applicant was her

neighbour. She has stated that the applicant had professed his love for her. She has alleged that the applicant started visiting her apartment, where she was staying along with her friends and that he would visit the said room when her friends were away and would have physical relations with her. She has alleged that the applicant had asked her not to disclose the same to her parents. She has further alleged that the applicant took a room on leave and license basis, and that both of them posed as a married couple to the landlord. She has stated that the applicant had physical relations with her during the said period. According to her, as she was pregnant, both of them went to Sanjivani Hospital, posed as husband and wife and got the abortion done. According to her, from the period, 15th July, 2013 to 3rd November, 2015, the applicant kept physical relations with her, on the assurance that he would get married to her.

4. Learned Counsel for the applicant submitted that considering the nature of allegations, the relations were consensual. He submitted that there is no material to show that the applicant exploited the complainant. According to him, there is a delay in lodging of the FIR. He submitted that applicant and the prosecutrix were living together.

5. Perused the papers. The incident in question is stated to have taken place between the period from 15th July, 2013 to 3rd November, 2015. The prosecutrix was a major and was taking education at the relevant time. It appears that both, the prosecutrix and the applicant had posed as husband and wife for terminating the pregnancy as well as before the landlord where they stayed. Investigation is complete and charge-sheet is filed. Considering the aforesaid, the applicant is directed to be released 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. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or contact the prosecutrix, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number within two weeks of his release and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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.