

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.471 of 2016

Priyansh Jaymanshu Jikar .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.S.V.Marwadi with Mr.S.S.Karmarkar, Advocate for the applicant.

Mr.H.J.Dedhia, APP for the Respondent State.

Mr.V.V.Shirgire, W.API from Borivali P.Stn present.

CORAM : PN. DESHMUKH, J.

DATED : 12th JULY 2016

P.C. :

1 This is an application for bail by accused involved in Crime No.559/15 registered by Borivali Police Station for the offence punishable under Section 376, 420 IPC.

2 Heard learned counsel for both the sides.

3 According to the applicant's counsel, he is falsely implicated, and at no point of time, applicant is involved in forcible sexual intercourse with complainant who is aged 29 years and is falsely involved, as applicant could not fulfill the wish of the prosecutrix to marry her.

4 Learned APP has opposed the application on the ground that applicant is not resident of State of Maharashtra. Similar appears to be the reason weighed by the learned Sessions Judge while rejecting the application where it is observed that applicant being resident of Gujarat, he cannot be released on bail. The reason put forth by the learned Sessions Judge, however, does not appear to be convincing, at all.

5 On perusal of FIR dated 10th November 2015, it reveals that prosecutrix is an Air Hostess working at Abu Dhabi, and during the month of March 2015, while she was in Mumbai for vacation, she met applicant with whom she was earlier in contact through Facebook since October 2014.

6 It is alleged that after her meeting with the applicant, he assured that he would marry her, and this fact was also informed by prosecutrix to her family members. In the month of May 2015, applicant visited Abu Dhabi where applicant is alleged to have developed physical relations with the prosecutrix against her wish.

7 From further contents of FIR, it is alleged that applicant has also cheated other females on Facebook thereby promising them to marry.

8 Considering the contents of report as aforesaid, it is apparent that since October 2014, complainant as well as applicant were in contact with each other by Facebook and has developed intimacy between them and in the month of February

2016, had also decided to marry. Prior to that, in May 2015, applicant had visited Abu Dhabi and had indulged in sexual relations with the prosecutrix. It is, therefore, apparent that it is only after applicant expressed his inability to marry the prosecutrix, report came to be lodged in the month of November 2015. In fact, from the report, it further reveals that though applicant was to marry complainant – prosecutrix in February 2016, she, in the month of November 2015 itself lodged the report.

9 In that view of the matter, and considering the alleged involvement of applicant, there is no substance in keeping the applicant behind the bars, pending trial. Similarly, the reason put forth by the learned Sessions Judge refusing bail does not stand for any reason as application can be allowed by imposing conditions to secure presence of applicant, pending trial.

11 Application is thus allowed as per order below

O R D E R

Applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or two sureties in the sum of Rs.12,500/- each.

Applicant, while on bail shall mark his presence with Borivali Police Station on first day of each calendar month, pending trial and shall attend the trial Court on each date.

(PN. DESHMUKH, J)