

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.439 OF 2016

Vicky Dilip Sahiejsinghani

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.R.Gaikwad with R.V. Parad for the Applicant

Ms.S.S. Kaushik, APP, for Respondent – State

Mr.C. Shah for Complainant

Mr.P.P. Chaudhari, PSI, Vithalwadi police station - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 21, 2016**

P.C.:

1. The applicant-accused is prosecuted for the offences punishable under sections 376, 420, 504, 506 r/w 34 of the Indian Penal Code in C.R. No.I-358 of 2015 registered with the Vithalwadi Police station, Thane. It is registered at the instance of the prosecutrix on 30.11.2015. It is the case of the prosecutrix that she got introduced with the applicant-accused on Facebook in December, 2014. At that time, she was 17 years 8 to 9 months old. They developed love and affection for each other. Once on 12.3.2015, as per the case of prosecutrix, he gave some drink in the hotel when she felt giddy and he took her to one lodge at Dombivali. He had forcible sexual intercourse with her and thereafter, threatened her that he has taken video shooting of the entire incident. He also told her that he

wanted to marry her. Thereafter, they informed their respective parents and in between, he forced her to have sexual intercourse with him on different occasions. On 30.9.2015, in the presence of parents of both the complainant and the applicant-accused, they made joint affidavit that they would perform marriage and thereafter, deceived her. He did not allow her to stay in his house. She therefore gave complaint.

2. The learned Counsel for the Applicant has submitted that it is a case of love affair. They have stayed together, however, due to some differences, she gave this false complaint against him so that he will agree to her demands.

3. Learned Prosecutor has opposed the application. She submitted that when the incident of rape had taken place, she was minor and there was promise of marriage.

4. Perused the FIR. The statement of the father of the prosecutrix was recorded on 1.12.2015. In his statement, he has not stated anything about recording of the incident on cellphone by the applicant-accused. It appears that it is a case of affair which ended into marriage and subsequently concluded in fights. In the circumstances, I allow the Anticipatory Bail Application on the following terms:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
- iii) The applicant-accused shall not indulge into any criminal activity;
- iv) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Thursday from 7pm to 8pm till filing of chargesheet or for a period of one months, whichever is earlier.
- v) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
- vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

(MRIDULA BHATKAR, J.)