

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.605 OF 2016

Sameer Amrut Kondekar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Girish Kulkarni a/w M. Kulkarni i/b Madhusudan Pareek for the
Applicant

Ms.Rutuja Ambekar, APP, for Respondent – State

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

DATE: **APRIL 20, 2016**

P.C.:

1. This application is moved for pre-arrest bail as the applicant-accused is facing charges under sections 376, 323 of the Indian Penal Code and section 67C of the IT Act in C.R. No.61 of 2016 with Versova police station.

2. It is a case of the prosecutrix that she is a model and actress. She came in contact with the applicant. He promised her to marry. He forced her sexually and exploited her thereafter from time to time on the promise of marriage. The offence was registered on 7.2.2016. 5 to 6 months prior to the date of the FIR, the applicant-accused and the prosecutrix were not in contact with each other. However, the applicant-accused is sending

obscene messages to her and he is writing in filthy language abusing her family members. Therefore, she gave information to the police.

3. The learned Counsel for the Applicant submitted that he has not committed any offence of rape and all other alleged offences are bailable. He has therefore, prayed that the applicant be protected by pre-arrest bail.

4. Learned Prosecutor is present and opposed the application.

5. Perused the FIR and the documents. The learned Prosecutor has produced the hard copies of emails, messages, Facebook posts. This communication is in a very filthy language. However, the prosecutrix is 27 years old. After going through the contents of the FIR, prima facie, it appears that the offence under section 376 is not made out. The applicant is in prison since last two months. Therefore, I am inclined to grant bail to applicant.

6. The application is accordingly allowed on the following terms:

- i) 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 or contact or harass the prosecutrix in any manner;

- iii) The applicant-accused shall not indulge into any criminal activity. He shall not post any matter anywhere in any manner in respect of prosecutrix in his name or in other's name or by using any false account;
- iv) 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;
- v) The applicant-accused shall attend the concerned police station on every Friday from 6pm to 7pm, till filing of chargesheet or for a period of one months, whichever is earlier;
- 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.)