

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CRIMINAL APPELLATE JURISDICTION

## CRIMINAL BAIL APPLICATION NO.613 OF 2016

Arvindkumar @ Sadhu Chhotelal

Yadav

.. Applicant

*Versus*

The State of Maharashtra

.. Respondent

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Mr.Jilajit Sharma, Advocate for the applicant.

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

PSI Abhijit P. Patil from Kandivli PStn. resent.

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CORAM : PN. DESHMUKH, J.

DATED : 15<sup>th</sup> JUNE 2016

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**P.C. :**

1           The applicant involved in Crime No.383/15 registered by Kandivli Police Station for the offences punishable under section 376, 506 of the IPC, has sought bail in this crime.

2           Learned counsel for the applicant has contended that no case can be made out against the applicant since from the year 2008, prosecutrix was having consensual sexual relations with the applicant who is already married, and on on such meeting, since both of them were seen by friend of husband of prosecutrix. Report came to be lodged on 27<sup>th</sup> October 2015, and has thus submitted that application should be allowed.

3            Learned APP has contended that from the statement of mother of prosecutrix, and from the brother of applicant, it is revealed that prosecutrix was found meeting with the applicant, and in fact, they had asked her not to keep such relations with the applicant.

4            From the plain contents of the FIR, it is noted that prosecutrix Kanchan was married in the year 2008 with one Vikram Chaudhary and while she was residing at Lalji Pada, she came in contact with the applicant as the neighbour and had indulged with him in sexual acts while she was alone in the house. It is also her case that she in fact was insisting the applicant to marry her upon which applicant informed that they would be marrying later. It also reveals from the report that prosecutrix expressed her desire to get married with the applicant to her mother, who in turn informed her not to disclose it to anyone in the family, and that she would marry the prosecutrix with the applicant. However, parents of applicant did not approved said proposal.

              From further contents of the report, it reveals that since 2007 till 21<sup>st</sup> October 2015, the applicant and the prosecutrix were continuously meeting each other and were indulging into sexual acts, at different places occupied by prosecutrix from time to time at Lalji Pada to Jogeshwari (East) and thereafter since 2014 at Gautam Nagar.

5 From the report, it is material to note that it is only on one day at around 12 noon after the applicant and prosecutrix were together at Kandivli Station and were returning from a lodge after indulging into sexual acts at around 2.00 pm, they were seen by one person who happens to be friend of her husband, and fearing that said friend may inform her husband, report came to be lodged.

6 In the background of facts, as aforesaid, there is no purpose in keeping the applicant behind the bar since the investigation is complete and trial may take sufficient time to be concluded. Hence, following order is passed :

### **ORDER**

Applicant shall be released on his executing PR bond in the sum of Rs.20,000/- with one surety in like amount.

Applicant shall mark his presence before the trial Court on each date of hearing, and shall not tamper with the investigation.

**(PN. DESHMUKH, J)**