

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.796 OF 2016

Rohit Sanjay Mardhekar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.A. Patankar for the Applicant
Mr.S.H. Yadav, APP, for Respondent – State
Mr.Baliram Sutar, API, Worli police station – present

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

DATE: **APRIL 20, 2016**

P.C.:

1. This application is moved for bail as the applicant-accused is facing charges under sections 376 of the Indian Penal Code and under section 3(XII) of the Scheduled Caste & the Scheduled Tribe (Prevention of Atrocities) Act, 1989. The offence is registered at C.R. No.76 of 2016 at the instance of the prosecutrix on 6.3.2016 at Worli police station, Mumbai. It is the case of the prosecutrix that she became friendly with the applicant-accused as his father was running a grocery shop below her building. He promised her to marry on 21.11.2015, he took her to Titwala where in one hotel room, he demanded sexual intercourse from her. She consented as he had promised her to marry. Then, they were sexually involved till January, 2016. However, thereafter, the applicant-accused told her that it is not possible for him to marry. Her parents visited their

house on 2.3.2016 and informed that marriage was not possible due to caste difference. So she gave complaint against the applicant-accused. The applicant was arrested on the same day and hence, this application for bail.

2. The learned Counsel for the Applicant has submitted that the applicant-accused did not break the marriage only on the caste difference but subsequently he came to know that the prosecutrix is involved with some other boys also. There were differences between them and therefore, he broke up the relationship.

3. Learned Prosecutor has opposed the application. He, however, informed that the chargesheet is ready and will be filed soon.

4. The prosecutrix is 22 years old and is college going. Considering the contents in the FIR and as the applicant-accused is inside since last one month and the chargesheet is ready, I am inclined to grant bail 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 the complainant;

iii) The applicant-accused shall not indulge into any criminal activity and shall attend on all the Court dates;

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) 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.

5. Bail application is disposed of accordingly.

(MRIDULA BHATKAR, J.)