

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 872 OF 2016

Bipin Machhindra Mhatre ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Laxmikant M. Shukla, Advocate for the applicant.
Mrs. P.P. Shinde, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **27th April, 2016.**

P.C.:

Not on board. Upon mentioning, taken on board.

2. This Application is moved by the applicant/accused for bail, as he is facing prosecution for the offences punishable under sections 354C and 376 of the Indian Penal Code at C.R. No. 63 of 2016 with Kasturba Marg Police Station. The offence is registered at the instance of the prosecutrix on 1st March, 2016.

3. It is the case of the prosecutrix, who is 30 years old. She got acquainted with the applicant/accused in 2014. On 27th December, 2015, the applicant/accused showed her obscene photographs and threatened her that he would circulate it if she would not accept what he said. Under his compulsion, she accepted all the terms of the applicant/accused. She used to go along with him at different places. Thereafter she also started loving

him. They were involved in sexual relations and he promised her that he would marry. However, on 27th February, 2016 when she went to the house of applicant/accused and met his mother and told her that they wanted to marry, at that time, applicant's mother drove her out of the house. The applicant/accused cut off the relations with her. Thereafter she gave the complaint. The applicant/accused was arrested on the same day and he is in prison since then. Hence this Bail Application.

4. The learned counsel for the applicant/accused submitted that both the complainant and applicant/accused were in love with each other. They have exchanged messages. The print out of the messages are annexed herewith. The learned counsel submitted that whatever happened between the applicant/accused and deceased was consensual and the complainant had falsely implicated the applicant out of vengeance. Hence, he prays for bail.

5. Learned APP opposed the Application, however, she informed that the cellphone and memory card containing the obscene photographs are seized and sent to Forensic Laboratory.

6. Perused the FIR and print out of the SMS. Considering the facts of the case, I am inclined to grant bail to the applicant/accused on the

following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing PR. Bond in a sum of Rs.20,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not contact or pressurize the complainant.
- (iv) The applicant shall attend the concerned police station on every Friday between 6 p.m. to 7 p.m. till the filing of the charge sheet.
- (v) The applicant 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.

7. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)