

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1453 OF 2016

Kishorkumar Chandan Singh

.... Applicant/ Accused

versus

The State of Maharashtra

... Respondent/Complainant

Mr.B.P. Pandey a/w. Mr.Shishir Pandey i/b. Mr.V.B. Pandey for the applicant.

Smt. N.S. Jain, Addl. Public Prosecutor, for the respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 01st SEPTEMBER, 2016

PC. :

1. This is an application under section 439 of Cr.P.C. for bail in C.R.No.626/15 dated 16/12/2015 registered with Dahisar Police Station, Mumbai, under sections 376, 328, 420, 452, 170, 504, 506, 427 of the Indian Penal Code.

2. The First Information Report is lodged by Mrs.Deepali Koli. It is stated in the report that the prosecutrix was a married woman and was having acquaintance with the applicant. That on 21/09/2014 at about 08.30 p.m. the applicant had been to the house of the prosecutrix. He administered stupefying substance in

cold drink to the prosecutrix and thereafter committed rape on her. The report further mentions that the applicant thereafter committed the alleged act as contemplated u/s 376 of the IPC for a considerable period. It is further stated that on 08/10/2014 the applicant and the prosecutrix married at Arya Samaj Mandir at Vasai. In the detailed First Information Report, the various facts and circumstances of the alleged acts as contemplated u/s 376, 328 and 420 of the IPC have been narrated. The prosecutrix has further stated that despite marrying the prosecutrix, the applicant subsequently left her in lurch and therefore she lodged the First Information Report.

3. During the course of investigation, the applicant is arrested on 21/01/2016. The learned counsel appearing for the applicant submitted that the applicant has filed Petition No.A-2297 of 2015 in the Family Court, Bandra for declaring the marriage between the prosecutrix and the applicant as null and void. He further submitted that as a counterblast to the said marriage petition filed by the applicant and as an afterthought, the prosecutrix has lodged the present first information report.

4. After perusing the charge sheet annexed to the application, I find substance in the said submissions of the learned counsel for the Applicant. As stated earlier, the applicant is arrested on 21/01/2016 and since then he is in jail. Learned counsel for the applicant submitted that there are no antecedents at the discredit of the applicant.

5. In view of the above, I am inclined to release the applicant on bail. Hence, following order :

- (i) The applicant be released on bail in CR No.626/15 registered with Dahisar Police Station, Mumbai, on his furnishing PR bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend Dahisar Police Station, once in a month i.e. on every first Monday of the month between 11.00 a.m. and 02.00 p.m. till the completion of trial.

- (iii) The applicant shall attend all the dates before the trial Court.
- (iv) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions for cancellation of bail.
- (v) Criminal Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)