

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1591 OF 2016

Ramchandra Sadanand Nadar ..Applicant.
Vs
The State of Maharashtra ..Respondent.

Mr M.B. Deshmukh, for the applicant.
Ms S.S.Kaushik, APP for the Respondent-State.
API Khillare, Kasturba Marg P.S. present.

CORAM : A.S.GADKARI, J.
DATE : 24th August, 2016

P.C.

1) The applicant is seeking bail in CR No. 91/2016, dated 21/3/2016 registered with Kasturba Marg Police Station, Mumbai under section 376 of Indian Penal Code read with section 66 (E) of the Information Technology Act, 2000.

2) The first information is lodged by the victim Smt. Kavita Shelar. The victim is a married lady having two children, aged about 27 years. It is stated that the applicant committed the alleged act as contemplated under section 376 of the IPC and also did the recording of the same on his mobile phone. By threatening the victim to display the recording of the alleged act, he sexually exploited her. In the premise, the said first information report is lodged. After completion of the

investigation the police have now filed charge-sheet.

3) The learned counsel appearing for the applicant submitted that a bare perusal of the first information report would reveal that alleged act as contemplated under section 376 of IPC was a consensual act between the two adult persons. I find substance in the said submission of the learned counsel for the applicant. As far as the recording on the mobile phone is concerned, the mobile phone has been seized during the course of investigation. However, the forensic report of the same is still awaited by the investigating agency.

4) In view of the above, I am inclined to release the applicant on bail.

Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 91/2016 registered with Kasturba Marg Police Station, Mumbai on his furnishing a PR. bond of Rs.25,000/- with two solvent local sureties in the like amount;

(b) After his release from jail, the applicant shall attend Kasturba Marg Police Station, once in a month on every first Monday of the said month between 11:00 a.m. to 3:00 p.m;

(c) The applicant shall also attend all the dates before the trial Court;

(d) The prosecution is at liberty to file cancellation of bail application as contemplated under section 439 (2) of Cr.P.C. if the applicant commits two consecutive defaults in complying with the aforesaid conditions;

The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)