

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1621 OF 2016

Mr. Pintukumar S. Singh. ...Applicant.
Vs.
The State of Maharashtra. ...Respondent.

Mr. S.R.Phanse for the applicant.
Mrs. Rutuja Ambekar, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 20th September, 2016

P.C.

1) This is an application under Section 439 of the Cr.P.C. for bail in CR No.I-32-16 dated 1.3.2016 registered with Thane Nagar Police Station, Thane under Section 376, 354(k)(d), and 506 of the Indian Penal Code.

2) The first information report is lodged by Smt. Ruksana @ Rajmani Shakil Kureshi aged about 36 years. On the basis of the said report the present crime is registered. The applicant was arrested on 2.3.2016. After completion of investigation the police have submitted the charge sheet in the Court of competent jurisdiction.

3) Heard the learned counsel for the applicant and the learned APP. and also perused the entire charge sheet annexed to the application.

4) The learned counsel appearing for the applicant submitted that a perusal of the first information would reveal that the alleged offence as contemplated under

Section 376 was a consensual act. He submitted that after the husband of the prosecutrix came to know about the relations, the complainant has lodged the present report with the police. After perusal of the entire charge sheet I find substance in the said submission.

5) It is to be noted here that the prosecutrix was 36 years of age and was married woman on the date of commission of the alleged offence or at the time of lodgment of the first information report. That, prima facie, it appears that the alleged act as contemplated under Section 376 of the I.P.C. was a consensual act. In view of the same, the applicant has made out a case for his release on bail.

6) The learned APP, on instructions, submitted that the applicant does not have fix place of residence at Thane. She, on instructions, submitted that if the applicant is released on bail he may not be available for trial. The said apprehension of the prosecution can be taken care of by imposing stringent conditions.

Hence, the following order.

a) The applicant be released on bail in CR No.I-32 of 2016 registered with Thane Nagar Police Station, Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the Thane Nagar Police Station, Thane once in a month i.e. on first Monday of the month between 11.00

a.m. to 2.00 p.m. till conclusion of the trial.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in attending the Trial Court shall attract the proceedings under Section 439(2) of the Cr.PC.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)