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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1847 OF 2016

Rahul Sukram Sedane ..Applicant.

Vs

The State of Maharashtra ..Respondent.

Mr V. R. Garad for the applicant.

Smt. N.S.Jain, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 4th October, 2016

P.C.

1) This is an application under section 439 of the Code of Criminal Procedure, 1973 for bail in C.R. No. I-210 of 2016 dated 28/7/2016 registered with Naupada Police Station, District Thane under sections 376 and 312 of the Indian Penal Code.

2) The first information report is lodged by Smt. Dipali V. Salunke. It is stated in the said report that the informant was married with Ashish Gaikwad and had a son aged about 2 years from the said wedlock. That the applicant was the neighbour of the first informant where she used to reside at her paternal home. That after her marriage she again came in contact with the applicant. Their

acquaintance blossomed into relationship. That since May, 2015 to July, 2016 the said relations were continued. It is alleged that the applicant promised her of marriage and had sexual relationship with her. That due to the said relations the first informant became pregnant. The applicant thereafter gave certain medicine to her which caused abortion. The applicant did not comply with the said promise and, therefore, the present crime is registered.

2) The learned counsel for the applicant submitted that a bare perusal of the first information report would reveal that the first informant was a consenting party to the alleged act as contemplated under sections 376 and 312 of the IPC. That the alleged abortion was caused after taking medical treatment from a doctor and the first informant had given her consent for the same to the said doctor. He, therefore, prayed that the applicant may be released on bail.

3) After reading the first information report and other related documents annexed to the application, prima facie I find substance in the said submission of the learned counsel

for the applicant. It is to be noted here that the first informant was a married lady with a child from her husband and despite the said fact she was willfully indulging into the relations with the applicant.

In view of the above, the applicant has made out a case for his release on bail.

Hence, the following order :-

ORDER:-

- (a) The applicant shall be released on bail in CR No. I-210 of 2016 registered with Naupada Police Station, District Thane on his furnishing a P.R. 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 Naupada Police Station once in a month on every first Monday of the said month, between 11:00 a.m. to 2:00 p.m. till the conclusion of the trial;
- (c) The applicant shall also attend all the dates before the trial Court;
- (d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail;

(e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;

The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)