

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

CRIMINAL BAIL APPLICATION NO.1857 OF 2016

Nilesh Navinchandra Shah	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Hemant i/b Mr. V. K. Dubey for the Applicant.
Ms. R. M. Gadhvi, APP for the State.

CORAM : A.S. GADKARI, J.
DATE : 7th OCTOBER 2016.

P.C. :

. This is an application u/s.439 of Cr.P.C. for bail in CR No.I-90/2016 dated 2/4/2016 registered with Nayanagar Police Station under section 376(2) (N) of IPC.

2. The first information report is lodged by Ms. Harsha Shankar Javir. It is stated in the said report that the complainant got acquainted with the applicant due to professional work. The applicant promised the complainant to marry with her. Subsequently, the said acquaintance turned into relationship and since July 2013 to 7/2/2016 the applicant and the complainant had physical relationship. Thereafter, the applicant started avoiding the complainant and committed breach of the said promise of marriage. In the premise the said crime is registered. During the course of investigation the applicant was arrested 4/4/2016 and since then he is in jail. After completion of investigation, police have submitted chargesheet on 1/7/2016.

3. The learned counsel for the applicant submitted that a bare perusal of the first information report reveals that the alleged act as contemplated under section 376 of IPC was a consensual act between two adult persons and it is only after the alleged breach of promise of marriage, the present crime is registered. After reading the first information report and perusal of the other documents annexed to the application, I find substance in the submission of the learned counsel for the applicant. The applicant is arrested on 4/4/2016 and since then he is jail. It is submitted by the learned counsel for the applicant that there are no antecedents at the discredit of the applicant.

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

6. Hence, the following order :

ORDER:-

- (a) In the event of arrest of the applicant in CR No. I-90/2016 registered with Nayanagar Police Station, he shall be released on bail on his furnishing a P.R. bond of Rs. 25,000/- with one or two local sureties in the like amount;
- (b) After his release from jail the applicant shall attend the Nayanagar Police Station, Thane on every first Monday of the month between 11.00 a.m. to 1.00 p.m.
- (c) The applicant shall also attend all the dates before the Trial Court.

(d) Any two consecutive defaults in complying with the conditions will attract the provisions for cancellation of bail.

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

7. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)