

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1541 OF 2015

Chetan Yashwant Todkar ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. R.M. Yamgar, for the Applicant.

Mrs. P.P. Shinde, APP for Respondent – State.

Mr. S.D. Kambale (PI), Jogeshwari police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **15th MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 377, 354, 420, 323, 504, 506(ii) and 509 read with 34 of the Indian Penal Code in C.R. No. 224 of 2015 registered with Jogeshwari police station, Mumbai. The offence was registered at the instance of prosecutrix on 17th September, 2015.

2. It is the case of prosecutrix that she is working as a cook and staying at Grant Road. In February, 2015 when she was travelling

in a train, she become friendly with the applicant/accused and his friends. They exchange their phone numbers. From March, 2015 the complainant and the applicant used to meet at Dadar and Jogeshwari railway stations. Thereafter, immediately in March, 2015 the applicant proposed her in presence of her parents. In March, 2015 he told that he has given promise to marry and therefore he demanded physical relationship. It is the case of the prosecutrix that the applicant/accused have sexual intercourse with her and thereafter he continued to have sexual relations with her. In April, 2015 she became pregnant but the applicant forced her for medical termination of pregnancy. The applicant also asked the prosecutrix to keep sexual relationship with his friend Suresh. Then, the applicant avoided the prosecutrix and threatened her. It is her case that the brother of the applicant also threatened her and she has recorded the conversation. It is the case of the prosecutrix that she gave Rs. 2,50,000/- to the applicant for his business. Therefore, she lodged the complaint.

3. The learned counsel for the applicant/accused submitted that the applicant denies all the allegations.

4. The learned prosecutor while opposing the application submits that the complainant produced one statement dated 4th September, 2015 where she has made complaint about the applicant/accused. He submitted that considering the contents mentioned in the said statement, serious allegations are made against the applicant and therefore the applicant/accused not to be released on pre arrest bail.

5. Perused the first information report. The complainant was 33 years old when she gave the complaint. Considering the allegation, it appears that a consensual sexual intercourse had taken place between the complainant and the applicant. Hence, I am inclined to grant pre arrest bail to the applicant/accused subject to certain conditions.

(a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount;

(b) The applicant shall not tamper with the evidence.

(c) The applicant shall not harass the complainant or her family members in any manner.

(d) The applicant shall cooperate with the Investigating Officer and shall attend the concerned police station once in a week on every Saturday between 6.00 pm to 7.00 pm for one month.

(MRS.MRIDULA BHATKAR, J.)