

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2206 OF 2016

Dharmesh Sanjay Singh

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * * *

Mr. M.J. Bhatt, Advocate for the applicant.

Smt. J.S. Lohokare, APP for the respondent, State.
PSI, S.S. Kulkarni, Vartak Nagar Police Station, present.

CORAM :- N. W. SAMBRE, J.

DATED :- 1ST DECEMBER, 2016.

P.C. :-

1). The applicant is seeking regular bail in Crime No. I-279 of 2016 for offence punishable under Section 376 Indian Penal Code read with Section 3(1)(w)(i) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015.

2). It is the case of the prosecution that the applicant under the false pretext of marrying the complainant, Nisha committed the offence in question.

3). The chargesheet in the matter is already filed and the

investigation is over.

4). The applicant came to be arrested in the crime in question on 13th July, 2016.

5). There are no criminal antecedents.

6). In the above referred background, while trying to make out a case for grant of bail, the learned Counsel for the applicant submits that the victim herself has admitted that, she was in love with the present applicant since 2011 when they were studying together in a college. It is also claimed that, after the custodial interrogation once the chargesheet is filed, the further detention of the applicant is not required.

7). Based on the medical evidence, the Court was made to presume that the relationship between the applicant and the complainant, particularly physical relationship existed since 2014.

8). The learned APP strenuously opposed the application on the ground that statement under Section 164 Criminal Procedure Code was already recorded which speaks of false promise of marriage by the present applicant and the said was found to be the basis for establishing physical relationship resulting into registration of the crime in question. It is also urged that, the complainant belongs to backward class community and as such the provisions of Atrocities Act are invoked.

9). Having bestowed my thoughts to the submissions made, it is to be noted that there are no criminal antecedents against the

applicant and the investigation in the matter is over.

10). In the medical papers, it is reflected that the complainant herself claims that she was in physical relationship with the present applicant since 2014 and were friends since 2011. The said events takes this Court to the only conclusion that the applicant and complainant were having love affair.

11). Apart from above, it is to be noted that after the investigation in the matter is complete, the applicant is very much available for prosecution.

12). In this view of the matter, the application needs to be allowed. The applicant be released on P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

13). Any two consecutive absence of the applicant before the learned Sessions Judge, will give him an opportunity to proceed with cancellation of bail of the applicant, if so required.

14). The applicant shall not tamper the evidence and/or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J)