

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2374 OF 2016

Gurunath Mahadev SadadekarApplicant

V/s.

The State of MaharashtraRespondent

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Mr. K.S. Patil, Advocate for the applicant.

Mr. N.B. Patil, APP for respondent, State.

PSI, Mr. Gosalkar, Worli Police Station, present.

CORAM :- N. W. SAMBRE, J.

DATED :- 21ST DECEMBER, 2016.

P.C. :-

- 1). The applicant is seeking pre-arrest bail in Crime No.299 of 2016 registered with Worli Police Station for the offences punishable under Sections 376, 385, 323, 506 of Indian Penal Code read with Section 66(E) of the Information Technology Act.
- 2). A categorical statement is made by the learned Counsel for the applicant, but for offence under Section 376 Indian Penal Code, the offence in rest of the sections is bailable.

3). There are no criminal antecedents and the investigation in the matter is complete as the chargesheet is filed. The applicant was arrested immediately on the next day of the FIR i.e. 11th August, 2016.

4). The prosecution story as has been narrated in the FIR and the other material as considered, what could be noticed is that, since June 2013 the complainant remained in physical relationship with the applicant. She claimed that the applicant had promised to marry her. However, she further stated in the FIR that, she was engaged to one Ramesh Botare some two years back. It is not her case that the applicant forced her to maintain physical relationship upon threat of discontinuation from the employment.

5). It is a case of consent.

6). The further detention of the applicant, in my opinion, is not warranted. Hence, the Bail Application is allowed. The applicant be released in Crime No.299 of 2016 registered with Worli Police Station for the offences punishable under Sections 376, 385, 323, 506 of Indian Penal Code read with Section 66(E) of the Information Technology Act, be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

7). Two consecutive absence before the lower Court will entail the learned Judge to adopt proceedings for cancellation of bail.

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

(N.W. SAMBRE, J)