

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2541 OF 2015

Mr Ghanshyam Ganpat Bhagade Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr H.G.Mukadam for the applicant.
Ms Rutuja Ambekar, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 20th January, 2016

P.C.

1) The applicant is seeking bail in CR No.219/2015, dated 22/07/2015 registered with Kurar Police Station under section 376 (2) (N) of the IPC. The complainant aged about 22 years, has lodged the First Information Report. In her FIR, she has stated that she is knowing the applicant since her days of school. She has further stated that she used to go for a stroll with the applicant. That the applicant by giving promise of marriage committed rape on her on several occasions. That on 30.4.2015 victim told the applicant that she is pregnant because of the relations. The applicant, thereafter, reduced the phone calls to the applicant. On 5.6.2015 it was revealed that the complainant was pregnant and during the medical check up it was revealed that she was pregnant of eight months. The family members of the complainant thereafter contacted the

applicant and told him to perform marriage with the complainant to which the applicant denied on the count that the complainant did not become pregnant due to the relations with him but because of the relations with somebody else. The complainant has further stated that on 25.6.2015 she gave birth to a male child and thereafter the present FIR has been lodged. After completion of investigation the charge-sheet has been filed.

2) I have perused the charge-sheet and the other documents annexed to the present application. Prima facie, it appears that the alleged act by the applicant of rape is a consensual act with the complainant and it is only after the applicant refused to marry her, the FIR is registered.

3) The investigation pertaining to present crime is completed and charge-sheet is filed. There are no antecedents at the discredit of the applicant. In view of the above, I am of the opinion that the applicant has made out a case for his release on bail.

5) Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 219/2015 registered with Kurar Police Station, Mumbai on his furnishing a P.R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount;

(b) After release from jail, the applicant shall attend Kurar Police Station, Mumbai on every first and third Monday of

the month between 10:00 a.m. to 12:00 noon. Apart from attending the Kurar Police Station, the applicant shall also attend all the scheduled dates before the trial Court, without any excuse;

(c) The prosecution is at liberty to file cancellation of bail application as contemplated under section 439 (2) of Cr.PC. if the applicant commits two consecutive defaults in complying with the aforesaid conditions;

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

(e) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)