

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 18 OF 2017

Rahul Dattatraya Sakhare	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jaydeep Mane, Advocate for the applicant.
Mrs. Rutuja Ambekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **6th January, 2017.**

P.C.:

This Application is moved by the applicant/accused for bail, as he is facing prosecution for the offences punishable under sections 376, 392, 417, 504, 560 r/w. 34 of Indian Penal Code in C.R. No. 712 of 2016 registered with Foujdar Chavadi Police Station.

2. It is the case of the prosecution that the prosecutrix is a married lady having two children. Her husband used to beat her, therefore, she was unhappy. She came in contact with this applicant-accused, who gave her mental support. On 28th February, 2016, the prosecutrix left her children and along with her two children and cash of Rs.30,000/- went to Pune along with the applicant-accused. It is the case of the prosecutrix that applicant-accused has assured her of getting job. At Pune she got the job of a maid. She stayed there along with the applicant-accused. At that time, applicant-accused sexually assaulted her without her consent. He forced her by giving threats of implicating her falsely in some offence or

hurting her children, hence she was subjected to sexual abuse. After 8 to 9 months, i.e., on 6th December, 2016, she lodged complaint against the applicant-accused. The applicant-accused was arrested on the same day. Hence, this Bail Application.

3. I have perused the statements recorded by the police. There is a statement of the prosecutrix dated 3rd April, 2016 where she has mentioned that she has left her husband, as he used to beat her mercilessly and was in love with the applicant-accused. Perused the statement of her husband who has also mentioned that he used to quarrel and beat his wife, i.e., prosecutrix and therefore she developed love and affection for the applicant-accused and she left him along with her son. Thereafter he contacted his wife, who refused to come and stay with him and was residing with the applicant-accused. It appears that her husband demanded divorce and therefore, he took her to Court and in the month of June-July she was given a lawyer from the panel of legal aid. Considering these facts, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in a sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not contact, harass or threaten the

prosecutrix and her children.

- (iv) The applicant shall attend all the Court dates.
- (v) The applicant shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Sessions Court for cancellation of bail.

7. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)