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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 329 OF 2017

Sanjay Ram Hingorani

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Satish Maneshinde a/w Ms. Sneha Khairnar for Applicant.

Mr Pervez Memon i/b MZM Legal for Original Complainant.

Mr. Ajay Patil, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 21st April 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.30 of 2017 dated 16.1.2017 registered with Khar Police Station, Mumbai under Section 376, 354, 504, 506(II) of the Indian Penal Code.

2] The first informant namely Ms. Natasha Lalwani is step-daughter of the applicant. As the offence is alleged under Section 376 and 354 of the Indian Penal Code, a detail narration of the facts mentioned in the first information report are hereby avoided. The first informant was aged about 32 years on the date of lodgment of the first information report. During the course of investigation, the police have arrested the applicant on

17.1.2017 and since then he is in jail. After completion of investigation, the police have submitted chargesheet in the Court of competent jurisdiction on 5.4.2017.

3] The learned Counsel for the applicant submitted that the first informant Smt. Natasha Lalwani has filed an affidavit dated 11.4.2017 thereby recorded her no objection for grant of bail to the applicant. Today the learned Counsel for the applicant tendered a copy of the affidavit of Smt. Kamini Hingorani the wife of the applicant stating therein that the applicant on one side and the said Smt. Kamini Hingorani on the other side have arrived at an amicable settlement and have executed Consent Terms. The applicant has signed the said Consent Terms before the Jailer of Mumbai Central Prison. The copy of the marriage petition along with affidavit and the consent terms are annexed thereto to be filed in the Family Court at Bandra are taken on record and marked "X" for identification. The learned Counsel for the applicant submitted that the said petition will be filed before the Family Court at Bandra within four weeks from today. The said statement is accepted.

4] I have perused the documents annexed to the application. Prima facie it appears that the offence under Section 354 has been made out and in view of amendment to Section 375 of the Indian Penal Code, the

offence as contemplated under Section 376 has also been alleged against the applicant.

5] After taking into consideration the facts mentioned in the first information report and view of the aforesaid copy of marriage petition along with affidavit affirmed by the first informant and her mother i.e. the wife of the applicant, the applicant has made out a case for grant of bail.

Hence, the following Order:

(i) The applicant shall be released on bail in CR No.30 of 2017 registered with Khar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) The applicant is permitted to furnish cash bail of Rs.1.0 lakh for period of four weeks and during the said period he shall comply with aforestated conditions mentioned in Clause (i).

(iii) After his release from jail, the applicant shall not in any manner contact the first informant or even enter the place where the first informant is residing.

6] All the concerned to act on an authenticated copy of this Order.

(A.S. GADKARI,J.)