

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 518 OF 2017

Paresh Babu Solanki

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Ms. Poonam P. Bhosale for applicant.

Mr. R.M. Pethe, APP for State.

Mr. D.S. Sanap, P.S.I., Malvani Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 3rd April 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.306 of 2016 registered with Malvani Police Station, Mumbai under Section 376 of the Indian Penal Code.

2] The first information report is lodged by Miss. Geeta Navtare aged about 20 years. It is stated in the report that, the complainant got acquainted with the applicant who was residing in her locality when she used to go to her tailoring class. It is further stated that their acquaintance blossomed into relationship and applicant thereafter gave promise to marry with the complainant. That the applicant by giving promise to marry with

the complainant had physical relationship with her due to which she remained pregnant. The applicant thereafter along with his relatives came to the guardians of the complainant and disclosed the fact that the applicant is already married and also produced marriage certificate. In the premise the first information report is lodged. During the course of investigation, the applicant was arrested on 6.6.2016. After completion of investigation, the police have filed chargesheet in the Court of competent jurisdiction. The record reveals that the pregnancy of the complainant was subsequently terminated and DNA Report of fetus is yet to be received by the Investigating Agency. It appears from perusal of the first information report and statements of other witnesses that the complainant was major and had attained the age of understanding at the time of alleged commission of offence. It prima facie appears that the alleged act as contemplated under Section 376 was with the consent of the complainant though it was under the pretext and promise of marriage. The applicant is in jail since 6.6.2016. There are no other antecedents at the discredit of the applicant. In view thereof, the applicant has made out a case for grant of bail.

3] Hence, the following order:

(i) The applicant be released on bail in CR No.306 of 2016

registered with Malvani Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or more solvent local solvent sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Malvani Police Station on every first Saturday of the month between 10.00 a.m. to 1.00 p.m. and shall also attend all dates before the Trial Court.

(iii) The applicant shall not tamper with prosecution evidence and/or influence the prosecution witnesses.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)