

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. BAIL APPLICATION NO. 1298 OF 2017

Kedar Tulasidas Khadpe .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....
Mr. R.V. Gupta, Advocate for the Applicant.
Mr. S.V. Walve, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 14, 2017.

P.C. :

This is an application for bail. FIR is registered on 4th May, 2017 for the offences punishable under Section 376, 377, 420 and 506 of the IPC. The applicant was arrested on 4th May, 2017.

2 The prosecution case is that the complainant was aged about 20 years and having friendly relationship with the applicant – accused. It is alleged that there was a promise of marriage at the instance of the applicant – accused. FIR further refers to sexual relationship between the complainant and the applicant. It is stated that on several occasions, the complainant had physical relationship with the applicant – accused. The last

instance referred to which allegedly amounts to an offence under Section 377 of IPC had occurred on 16th January, 2017. On the basis of the aforesaid incident, FIR was registered.

3 Learned advocate for the applicant submitted that taking the allegations in the FIR as it is, it is apparent that the alleged acts were committed by consent of the complainant. It was consensual relationship. The complainant was major at the time of alleged incident. It is further submitted that the alleged incident of unnatural offence was committed on 12th January, 2017, however, the FIR was lodged on 3rd May, 2017.

4 Learned APP submitted that there was a false promise of marriage at the instance of the applicant and consent of the complainant was obtained on the pretext of marriage. The applicant had physical relationship with the complainant by deceit. He submitted that there were several instances referred to by the complainant in the FIR.

5 Perused the FIR. It is apparent that there was intimate relationship between the complainant and the applicant-accused. There were several instances of having physical

relationship between the complainant and the applicant-accused. Considering the nature of the allegations and the fact that the applicant is arrested and he is in custody from 8th May, 2016, I am inclined to grant bail to the applicant.

6 Hence, I pass the following order:

:: ORDER ::

- (i) The applicant is directed to be released on bail in connection with C.R.No. 190 of 2017, registered with Borivali Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;
- (ii) The applicant is directed to attend Borivali Police Station, Mumbai once in a week on every Saturday between 11.00 a.m. to 1.00 p.m., till the filling of the charge - sheet. Thereafter, the applicant shall attend the said police station once in a month on first Saturday between 11.00 a.m. to 1.00 p.m.

(iii) The applicant shall not tamper with the prosecution witnesses;

(iv) Criminal Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)