

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1366 OF 2017

Ramkhilavan Ramanuj Sharma

Applicant

versus

State of Maharashtra

Respondent

Mr.J.B.Mishra for Applicant.

Ms.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 21st June 2017

PC :

1. This is an application for bail in connection with CR No.403 of 2016 registered with Bandra Police Station, Mumbai for offence under Sections 376 and 506 of Indian Penal Code.

2. The prosecution case is that the Applicant-accused was acquainted with the family of complainant. The complainant was providing tiffin to the Applicant-accused. The Applicant used to collect the tiffin in the afternoon as well as in the night. It is alleged that on 14th August 2016, the Applicant had visited the house of the complainant in the afternoon for collecting the tiffin. After collecting the tiffin, he left the house of complainant and subsequently again came back to the house of complainant and he slept in the house of complainant. At that time the husband of the complainant and her daughter were also in the house. On the same day, in the evening, the husband of the complainant left the house. The Applicant

committed forceful sexual intercourse with the complainant by closing her mouth by one hand. On 16th August 2016, the accused had again visited the house of the complainant and left with the tiffin. He had also asked her as to when he would have second opportunity to do the similar act. The complainant informed about the incident to her husband on 17th August 2016 and thereafter the first information report was lodged.

3. The Applicant was arrested on 17th August 2016 and since then he is in custody. The investigation is conducted and charge sheet is filed.

4. The learned advocate for the Applicant submitted that the complainant was acquainted with the Applicant. It appears to be a case of consensual relationship. The complainant did not lodge the complaint immediately and the same was lodged on 17th August 2016. He further submitted that the manner in which the alleged incident had occurred, as stated by the complainant, is not possible practically and, therefore, apparently there is no truth in the complaint.

5. It appears that the Applicant and the complainant were acquainted with each other. The FIR was lodged on third day from the date of incident. The complainant alleged that the accused had closed her mouth by one hand to prevent her from shouting and then by lifting her garment committed sexual intercourse. There is no medical evidence showing any forced sexual intercourse. The investigation is complete and charge sheet is filed. In the aforesaid

circumstances, bail can be granted to the Applicant. Hence, I pass following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with CR No.403 of 2016 registered with Bandra Police Station, Mumbai, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (ii) The Applicant is directed to report the investigating officer of Bandra Police Station, Mumbai once in a week on every Saturday between 11.00 a.m. and 1.00 p.m;
- (iii) The Applicant is directed to furnish his address where he propose to reside after grant of bail;
- (iv) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST