

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1454 OF 2017**

Sunil S/o. Panchapuri Nagansurkar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Priyal G. Sarda for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

API Mr. Sanjeev Laxman Bhosale from Vijapur Naka Police Station,
Solapur, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 129 of 2017 registered with the Vijapur Naka Police Station, Solapur, for the alleged offences punishable under Sections 376, 420, 506 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant's wife had expired when he met the complainant/prosecutrix. He submits

that the prosecutrix was residing separately from her husband. He submits that the relations between the complainant and the applicant were consensual. He submits that investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposes the application. She submits that the applicant had misled the complainant/prosecutrix and had physical relations with her against her wish. She does not dispute the fact that there are no similar cases registered against the applicant.

5. Perused the papers. According to the complainant/prosecutrix, she was 37 years and was working as a Pharmacist in a hospital, when she met the applicant, aged 40 years. She stated that their friendship developed into a love affair and they started meeting each other, often. She has stated that in November-December, 2016, the applicant took her to Tulzapur and had physical relations with her on two occasions. She submits that sometime thereafter, she felt that the applicant was not a good person and hence, started avoiding him. According to the complainant, the applicant misrepresented to her that he was a detective and that her friend

was doing illegal activities and that there was going to be an inquiry on her friend and hence, asked her to stop meeting her friend. She has stated that on 8th February, 2017, the applicant told her that the police had arrested her friend and were likely to arrest her and asked her to accompany him. She has stated that the applicant again took her to Tulzapur and had physical relations with her against her wish. The medical case papers of the complainant show that there was a love affair between her and the applicant and that on two occasions, the physical relations were with consent. She has, however, disclosed to the Doctor that the last intercourse was not consensual i.e. the one on 8th February, 2017.

6. No doubt, *prima facie*, the complaint shows that the disclosure made by the applicant that her friend was falsely implicated in a case was false and on the said pretext, asked the complainant to accompany him and had physical relations. The applicant is in custody since 5th March, 2017. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/-, with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;
- (iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial and to attend the Court on every date;

(vi) The applicant to file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The application is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.