

nsc.

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

CRIMINAL BAIL APPLICATION NO.1506 OF 2017

Mukesh Rajpal Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.S.Kharat, for the Applicant.

Mr.S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 13th 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.146 of 2016 registered with the Junnar Police Station, Pune Rural, for the alleged offences punishable under Sections 363, 366 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the

complaint lodged by victim-Shabnam Fakir's husband - Tausif Fakir, is a false complaint. He submitted that a perusal of the complaint shows, that no offences as alleged are disclosed, qua the applicant. He further submitted that the victim, an adult had gone on her own accord with the applicant.

4. Perused the papers including the statement of Shabnam, who is aged 22 years. She has stated that she was married and was staying with her husband, when she met the applicant. She has stated that their acquaintance developed into a love affair and that they started meeting each other frequently. She has further stated that the applicant disclosed to her, that he had several properties i.e. an agricultural land and 2 bungalows and that she should leave her husband and get married to him. She has stated that pursuant thereto, she accompanied the applicant. She has stated that on 11th July, 2016, she went to Dehradun with him. She has alleged that she stayed in a tenanted premises at Dehradun. According to the complainant, despite asking the applicant to take her to his house, the applicant avoided taking her, and hence the applicant cheated her. She has stated that she called her husband and disclosed the same to him. She has specifically stated that there were no physical relations between her and the

applicant. The applicant was arrested and has been in custody since 9th August, 2016. Investigation is complete and charge-sheet is filed.

5. 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 furnishing P.R. Bond in the sum of Rs.15,000/- 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 10.00 a.m. to 11.00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall co-operate in the conduct of the trial;

v) An undertaking to the aforesaid clauses (ii) to (iv), shall be filed by the Applicant, in the Registry of the trial Court, within two week's after his release;

vi) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)