

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1619 OF 2017**

Amit Dhanji Jadhav	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Naveen Chomal I/b Mr. K. T. Thomas for the Applicant

Mr. Ajay Patil, A.P.P for the Respondent No.1-State

Ms. Jessie Richard Payne for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
MONDAY, 7th AUGUST, 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. 115 of 2017 registered with the N. M. Joshi Marg Police Station, Mumbai, for the alleged offences punishable under Sections 376(1), 323, 504, 506, 417 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant and the complainant/prosecutrix were known to each other from 2012, and

as such their friendship developed into a love affair and that they got engaged on 8th May, 2015. He submits that it is alleged by the complainant/prosecutrix, that the applicant, on the pretext that he was going to get married, had physical relations with the complainant. He submitted that thereafter, there was some dispute and hence, the complainant has falsely implicated the applicant. He submitted that the relations, if any, were consensual. He further submits that the applicant and the complainant have amicably settled their dispute.

4. Perused the papers. Both, the complainant/prosecutrix and the applicant, are adults. It appears, that both were known to each other since 2012 and that their friendship developed into a love affair. The parents of both, complainant/prosecutrix and the applicant approved of the relationship, pursuant to which, they got engaged on 8th May, 2015, however, the date of the wedding was not fixed. She has stated that after 2015, they continued meeting and the applicant had physical relations with her, as they were going to get married, despite asking him to wait. It appears that thereafter, there was some dispute between the families, as the applicant's family was not fixing the date of marriage, pursuant to which,

the aforesaid complaint was lodged. Admittedly, the complainant was 21 years of age at the relevant time and the applicant was also about 21 years of age. Whether or not, there was consent or not, is a matter which will be decided by the trial Court.

5. In the facts of the case, continued detention of the applicant is not necessary. Accordingly, 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. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station as and when called, till the filing of the charge-sheet;
- (iii) 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;

- (iv) The applicant to cooperate with the conduct of the trial.
6. The application is accordingly disposed of.
7. 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.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.