

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

CRIMINAL BAIL APPLICATION NO.2425 OF 2017

Pravin Bhaulal Shinde

.... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Hemant Kenjolkar for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent - State.

CORAM : A.S.GADKARI, J.

DATE : 13th DECEMBER 2017

P.C.:

1. This is an application under Section 439 of Cr.P.C. for bail in CR No.375 of 2016 dated 13.10.2016 registered with Park Site Police Station, Vikhroli, Mumbai under Sections 376, 376E, 376N, 377, 328, 366, 406, 420, 506 of Indian Penal Code r/w. 66E, 67, 67A of The Information and Technology Act, 2000.

2. The first information report is lodged by Smt. Chitra Gawde, aged about 29 years alleging that, the applicant after establishing friendly relations with her committed an offence as contemplated under Section 376 of Indian Penal Code from July 2015 to July 2016 at various places. It is

also alleged that the applicant video-graphed the said act on his mobile phone. During the course of investigation, the applicant came to be arrested on 9.6.2017 and after completion of investigation, police have submitted the charge-sheet.

3. Perused the charge-sheet.

4. The first information report and the record of charge-sheet prima-facie indicates that the offence as alleged against the applicant under Section 376 of the IPC was a consensual act between two adult persons. Apart from the said fact, it is submitted by the learned Counsel for the applicant that, there is a delay of about 14 months in registration of the present crime. I find substance in the said submission. The investigation of the present crime is completed and charge-sheet has been filed. No purpose will be served by keeping the applicant in further incarceration.

5. In view thereof, the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.375 of 2016 registered with Park Site Police Station, Vikhroli, Mumbai, on his furnishing PR Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station on every 1st Monday between 10.00 a.m. to 12.00 noon till conclusion of trial.

(iii) Applicant shall attend all the dates before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)