

Anand

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

BAIL APPLICATION NO. 2474 OF 2017

Yogesh Arvind Shirke	.Applicant
Vs.	
The State of Maharashtra	.Respondent

Mr. Anil Lalla a/w Ms Beerta Bajwa i/b. Mr. A. K. Millwala, Advocate,
for the Applicant
Mr. M. B. Patil, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 14.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 126 of 2017 registered with Mangaon Police Station, District- Raigad under Sections 376(2)(n), 506 of the Indian Penal Code.

2. The first information report is lodged by Ms Rupika Marathe aged 22 years stating that she was having an affair with the Applicant since 2012 and the Applicant under the pretext of performing marriage, committed rape as contemplated under Section 376(2)(n) of the Indian Penal Code on her. That on or before 21.09.2017, the Applicant told her that he is engaged with another girl and as the Applicant committed breach of promise of marriage, the present crime is registered. During the course of investigation, police have arrested the

Applicant on 22.09.2017.

3. Perused the record. Prima facie, it appears that first informant entered into relationship with the Applicant and indulged into physical relationship at her own will though under the promise of marriage by the Applicant. It further appears from the record that the first informant was in relation with the Applicant since 2012 and it is only when the Applicant got engaged with other woman, she has lodged the present crime.

4. In view of the above, the Applicant can be released on bail.

Hence the following Order:

(i) The Applicant be released on bail in CR No. 126 of 2017 registered with Mangaon Police Station, District- Raigad on his furnishing PR bond 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 every Monday between 10.00 a.m. to 2.00 p.m. till filing of final report/charge sheet;

(iii) 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.)