

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

**CRIMINAL BAIL APPLICATION NO. 148 OF 2018**

Suraj Babu Khulat

... Applicant.

Versus

State of Maharashtra

... Respondent.

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Mrs. Vrishali Raje, Advocate for the Applicant.

Mr. S.S. Hulke, APP for the State.

P.C.- S.S. Patil, Talasari Police Station, Dist. Palghar, is present.

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***CORAM : REVATI MOHITE DERE, J.***

***DATE : MARCH 13, 2018***

**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. I-53 of 2017 registered with the Talasari Police Station, Dist. Palghar, for the alleged offences punishable under Sections 376, 417, 323 & 506 of the Indian Penal Code.

3            Learned counsel for the Applicant submits that the relations between the Applicant, aged 20, and the prosecutrix, aged 19, if any, were consensual. She submits that the applicant

is in custody since 22.04.2017 and that the investigation is complete and charge-sheet is filed.

4            Learned APP opposed the application.

5            Perused the charge-sheet. Admittedly, the Applicant was aged 20 years and the prosecutrix was aged 19 years, when the alleged incident took place. According to the prosecutrix, she met the Applicant in May, 2016 and started talking with the applicant on the mobile phone. She has further stated that during Navaratri, the applicant professed his love for her and also proposed marriage and hence, she had physical relations with the applicant. She has further alleged that the Applicant kept on assuring her marriage and thereafter, she had physical relations with him. According to the prosecutrix, in January, 2017 she learnt that she was pregnant and accordingly informed her parents about the same, pursuant to which, her family members went to meet the applicant's family, only to realize that the Applicant was already married. She has further stated that even thereafter, the Applicant promised to marry her and in April, 2017, he took her on his motor cycle and again had physical relations with her. She has stated that when she asked the applicant about marriage, he pushed her and left her alone on the spot and went away.

6           The applicant is in custody since April, 2017. Investigation is complete and charge-sheet is filed. Whether the applicant's relations with the prosecutrix were with consent or not; or whether there is breach of promise to marry or not, are matters which will be decided by the Trial Court.

7           In the peculiar facts and circumstances of the case, 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 report the concerned police station on the first Saturday of every month from 10.00 a.m. to 11.00 a.m. till conclusion of the trial.
- iii)     The Applicant shall not contact the complainant or any other witnesses concerned with the said case;
- iv)      The Applicant shall not enter the jurisdiction of Karajgaon, Patil Pada, till the conclusion of the Trial.

iii) The Applicant shall co-operate in the conduct of the Trial;

8 The Application is allowed and disposed of in the aforesaid terms.

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

10 All concerned to act on the authenticated copy of this order, duly issued by the Registry of this court.

***(REVATI MOHITE DERE, J.)***

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