

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

BAIL APPLICATION NO. 252 OF 2018

Tejas Subhash Madhvi

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Pankaj Dixit for the Applicant.

Mr. R.M. Pethe APP for the Respondent/State.

PSI Ashok Sawant attached to Juhu Police Station.

CORAM : A.S.GADKARI, J.

DATE : 07th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 455 of 2017 dated 13.08.2017 registered with Juhu Police Station, Mumbai under Sections 376 and 417 of the Indian Penal Code culminating into Sessions Case No. 367 of 2017.

2 The first information report is lodged by Ms. Harshita Utekar, aged about 23 years. It is the prosecution case that the Applicant by giving promise to marry to the first informant established physical relations with her. The first informant became pregnant due to said relations. The Applicant subsequently resiled from his promise and therefore, the present crime is registered.

3 Perused the record.

The record indicates that the statement of first informant has been recorded under Section 164 of Cr.P.C. by the Metropolitan Magistrate, 7th Court, Dadar, Mumbai on 15.09.2017 wherein the first informant has reiterated the facts as has been mentioned in the first information report. The record further indicates that first informant has delivered a baby boy out of the said relations with the Applicant.

4 The Applicant has filed an affidavit dated 07.02.2018 affirmed before the Jailer of Mumbai Central Prison. It is stated that the Applicant is ready and willing to marry with the first informant along with her baby boy. The said affidavit is taken on record and marked "X" for its identification. The contents of the affidavit are treated as undertaking given by the Applicant to this Court.

5 In view of the affidavit filed by the Applicant and without going into the merits of the matter, the Applicant can be released on bail.

6 Hence, the following order:

i) The applicant be released on bail in C.R. No. 455 of 2017 dated 13.08.2017 registered with Juhu Police Station, Mumbai 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 jail, the applicant shall attend concerned Police Station i.e. on every first Monday of the month between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

iii) The applicant shall also attend all the dates before the Trial Court.

iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) It is made clear that the if Applicant fails to comply with the statement made in the affidavit dated 07.02.2018, the prosecution is at liberty to file an application for cancellation of bail.

vi) Application is allowed in the aforesaid terms.

vii) All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)