

Dond

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

BAIL APPLICATION NO. 326 OF 2018

Sunil Ratan Aher

..Applicant

Vs

The State of Maharashtra

..Respondent

Ms. Anjali Patil for applicant.

Mr. Ameet Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 18th June 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No. 44 of 2017 dated 28.1.2017 registered with Samata Nagar Police Station, Mumbai under Sections 376, 354(A), 354(D), 323 and 504 of the Indian Penal Code. The said crime is now culminated into Sessions Case No.183 of 2017.

2] The prosecutrix was aged about 25 years on the date of lodgment of the first information report. She is a married lady and mother of two children. It is the prosecution case that, the first informant and her husband are vendors and by taking undue advantage of the acquaintance, the applicant on 12.1.2017 tried to outrage modesty of the prosecutrix and

therefore the present crime under Section 354 has been registered on 28.1.2017. The prosecutrix further gave supplementary statement on 1.2.2017 and in the said supplementary statement she has alleged that in the month of March 2015 the applicant committed an act as contemplated under Section 376 of the Indian Penal Code by putting the prosecutrix under fear by pointing out a razor to her. The prosecutrix had also received injury on her thigh in the said assault. During the course of investigation, the applicant came to be arrested on 29.3.2017 and after completion of investigation, the police have submitted chargesheet.

3] A bare perusal of the first information report and the supplementary statement of the prosecutrix would indicate that the prosecutrix did not make grievance about the alleged first sexual assault by the applicant in March 2015 and continued to have relations with him for some or other pretext. It is the case of the prosecution that, the applicant by extending threats that he will publish the photographs of the prosecutrix on the social media had sexually exploited her.

4] As noted earlier, even for present offence which took place on 12.1.2017 the first informant lodged the report on 28.1.2017 i.e. after period of sixteen days and at the first instance she did not mention all the

facts as has been stated in her supplementary statement dated 1.2.2017.

At this stage it will not be proper to comment upon the conduct of the prosecutrix in belatedly lodging the crime.

5] In view thereof, the applicant is entitled to be released on bail.

Hence, the following Order:-

i] Applicant be released on bail in CR No. 44 of 2017 registered with Samata Nagar 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 the Meghwadi Police Station, Mumbai on every first Monday of the month between 11.00 a.m to 1.00 p.m

iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

iv] Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)