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

CRIMINAL BAIL APPLICATION NO.427 OF 2018

Nishant Pravin Patel	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Jagdish Kumar Sanjeev Hegde, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State

P.I – Limkar.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th MARCH, 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.653 of 2017 registered with the Malwani Police Station, Mumbai, for the alleged offences punishable under Sections 376 and 420 of the Indian Penal Code.
3. Perused the charge-sheet. According to the

prosecutrix/complainant, aged 24 years, she, and the applicant were working in a Company under the same team and hence knew each other. She has alleged that in March 2017, when the applicant proposed marriage she asked him to take her to meet his parents for their consent. She has stated that the applicant had taken her to his parents and that his parents had agreed for their marriage. She has further stated that she did not disclose the same to her parents, however, all the colleagues in the office were aware of their friendship. She has stated that in June, 2017, after office hours, the applicant took her to Aksa Beach and had physical relations with her, without her consent and that thereafter again, after one week, the applicant took her to a room, and had physical relations with her. She has stated that thereafter the applicant stopped talking to her and when she questioned him, he disclosed that his parents were not agreeable to their marriage. She has further stated that she tried to convince the applicant, however, he refused to marry her, pursuant to which, she lodged a complaint. Admittedly, the complainant and the applicant are both adults, aged 24 and 28 years respectively. Whether there was consent or not or whether there was breach of promise to marry or not, is a matter which will be decided by the Trial Court. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, 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.10,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to threaten, intimidate, influence or contact the complainant, witnesses or any person concerned with the case;

- v) The Applicant shall co-operate in the conduct of the trial;
- vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his release;
- vii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.

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

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)