

Anand

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

BAIL APPLICATION NO. 665 OF 2018

Dean (Daniel) Peter Pereira .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO. 272 OF 2018
(For Intervention)
IN
BAIL APPLICATION NO. 665 OF 2018**

Jayalaxmi Anand Shetty .Intervenor

IN THE MATTER BETWEEN

Dean (Daniel) Peter Pereira .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. V. Kashid, Advocate, for the Applicant
Mrs. J. S. Lohokare, APP, for the Respondent – State
Mr. P. Aher, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 115 of 2018 registered with the Bandra Police Station, Mumbai, for the alleged offences punishable under Sections 376(2)(n) & 417 of the Indian Penal Code.

3. Perused the papers, in particular, the statement of the prosecutrix. According to the complainant / prosecutrix, aged 31 years, she met the Applicant in 2012 and that their friendship developed into a love affair. She has stated that the Applicant proposed to her and that she even went to the Applicant's house and met his parents and that his parents had agreed to the said marriage. She has further stated that from 2012 to 2015, she had visited the Applicant's house and when none was present in the house, the Applicant had physical relations with her. She has further stated that in 2015, the Applicant did not take her calls and hence, she went to the Applicant's house and informed the Applicant's father. Thereafter, with the intervention of the Applicant's father, they were again in a relationship from 2015 to January, 2017. She has stated that the Applicant would call her to his house and that the Applicant had physical relations without her consent. She has stated that even on 27.01.2018, the Applicant called her to his house and on the assurance that he would marry her had physical relations with her. According to

the complainant / prosecutrix, on 15.02.2018, on the face book page, she saw that the Applicant had married another lady and when she questioned him, the Applicant's mother threw her out of the house. Whether or not the relations were with consent or otherwise and whether or not the Applicant cheated the prosecutrix, is a matter which will be decided by the trial Court. It appears that the Applicant is in custody since 17.02.2018. Investigation is almost over.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 15,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant / prosecutrix, witnesses or any person concerned with the case;
- (iii) The Applicant to cooperate with the conduct of the trial.

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

6. In view of disposal of the Application, the Intervention Application, being Cri. Appln. No. 272 of 2018 does not survive and same stands disposed of accordingly.

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

(REVATI MOHITE DERE, J.)