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

***CRIMINAL BAIL APPLICATION NO.720 OF 2018***

|                          |               |
|--------------------------|---------------|
| Dipesh Suresh Rikame     | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Ms.M.A.Ingale, i/b Mr.B.L.Jagtap, for the Applicant.

Ms.Rutuja Ambekar, A.P.P for the Respondent-State.

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

***DATE : 27<sup>th</sup> APRIL, 2018***

**P.C. :**

1. Learned Counsel for the applicant seeks leave to amend to delete the name of the prosecutrix wherever it appears in the application. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.169 of 2017 registered with the Goregaon Police Station, Mumbai, for the alleged offences punishable under

Sections 376 and 420 of the Indian Penal Code.

4. The complainant is the prosecutrix, aged about 28 years old. She has alleged that she met the applicant in 2009 and that their friendship developed into a love affair. She has stated that between the period 2009 to 2014, there were physical relations between them. She has stated that the applicant had assured to marry her, pursuant to which, they had physical relations. She has alleged that in August, 2014, as the applicant had stopped calling her, she called the applicant, who told her, that he could not marry her, as his parents were against their marriage. According to the complainant, she told the applicant that he had promised to marry her and by refusing to marry her, he was cheating her and that if he failed to marry her, she would ruin his life. She has further stated that thereafter there was a meeting between the elders in the family and the applicant and that in the said meeting, the applicant assured/promised that he would not get married, till she (prosecutrix/complainant) gets married. She has stated that in 2017, she learnt that the applicant was getting married, pursuant to which, she lodged the aforesaid complaint.

5. Learned Counsel for the applicant submitted that the relations, if any, between the complainant and the applicant were consensual in nature. She submitted that the applicant waited for about 3 years, however, as the complainant did not get married, he went ahead with his marriage. Admittedly, both the complainant and the applicant were adults, when the relations started. Whether the relations were consensual 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. The applicant is in custody since 7<sup>th</sup> October, 2017.

6. 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 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;

iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial.

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

8. 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.

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

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