

Anand

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

BAIL APPLICATION NO. 791 OF 2018

Vishal Raju alias Rajendra Khadake .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Satyavrat Joshi i/b. Mr. J. D. Mane, Advocate, for the Applicant
Mrs. A. A. Takalkar, APP, for the Respondent – State

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. 34 of 2018 registered with the Rabale Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376, 323, 504 & 506 of the Indian Penal Code.

3. Perused the papers, in particular, the statement of the prosecutrix / complainant. According to the prosecutrix / complainant, aged 26 years, she met the Applicant, aged 27 years in 2015 and thereafter, their friendship developed into a love affair. She has stated

that the Applicant on the assurance that he would marry her had physical relations with her from 01.08.2015 till November, 2015. She has further alleged that in November, 2015, the Applicant disclosed that he was married and had children, pursuant to which, a quarrel took place between them. She has further alleged that the Applicant assured her that he would divorce his first wife and get married to her, pursuant to which their affair continued and they had physical relations i. e. during the period January, 2016 to June, 2016. She has further stated that the relations continued till 2017. She has stated that on one occasion when she questioned the Applicant about marriage, the Applicant abused her and even assaulted her, however, she did not disclose the same to any person. She has stated that when she questioned the Applicant about marriage, he refused. According to the prosecutrix/complainant, on the assurance that the Applicant would get married, she had physical relations with him. It is informed that the 164 statement of the prosecutrix/complainant is also recorded. Whether or not the relations were with consent or not, is a matter which will be decided by the trial Court. The Applicant is in custody since 22.01.2018. Investigation in the said case 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, witnesses or any person concerned with the case;

(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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicant to cooperate with the conduct of the trial.

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

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

(REVATI MOHITE DERE, J.)