

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 998 OF 2018
Bagada Ram R.Choudhary @ Ramesh vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Murtuza Azmi with Nitin Dalvi, Shambhu Jha, Jitendra Jha i/by Kanai Biswas for the Applicant.

Mrs. J.S.Lohokare, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 17th July, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.329/2017 dated 25.11.2017 registered with Shahunagar Police Station, District Mumbai under Sections 376(d), 506(2) read with 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.
3. The prosecutrix was aged about 23 years and was working as sweeper in G-type Garden, Shahunagar colony, Mahim, Mumbai on the date of lodgment of the crime i.e. on 20.9.2017.

4. The prosecution case in brief is that, initially the applicant and subsequently the co-accused Gopal committed forcible sexual intercourse with the prosecutrix on 20.9.2017 at about 4.30p.m. in the cabin of the watchman of the said garden and threatened her of dire consequences if she discloses the said fact to anybody. During the course of investigation the applicant came to be arrested on 26.11.2017 and after completion of investigation the police have submitted charge sheet.

5. Perusal of the charge sheet would indicate that, the alleged place of incident is situated at the entrance of the said garden and it is the watchman's cabin with two windows therein. The photographs produced by the applicant of the scene of offence indicate that the said place is situated in a densely populated area. The date of incident of the alleged crime is 20.9.2017 and the first information report is lodged on 25.11.2017 belatedly without offering reasonable explanation in that behalf.

6. The learned counsel for the applicant submitted that, as a matter of fact, it was a consensual act between two adult persons and when the applicant failed to fulfill the exaggerated demands of the prosecutrix, she lodged the

present crime.

After perusing the record, I find substance in the said contentions of the learned counsel for the applicant.

8. In view of the above, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No. CR No.329/2017 dated 25.11.2017 registered with Shahunagar Police Station, District Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After is release from Jail, the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. to 1.00p.m.
- c) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)