

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1072 OF 2018

Sagar Manohar SolankiApplicant.

Vs.

The State of Maharashtra & AnrRespondents.

Mr. Sushil M. Gaglani, Advocate for the Applicant.

Mr. S.G. Hulke, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th JUNE, 2018.

P.C.:-

1) This is an application under Section 439 of the Cr.P.C. for bail in CR No. 472 of 2016 dated 29th December, 2016 registered with Kasturba Marg Police Station, Mumbai under Section 376 of the Indian Penal Code, now culminated into Sessions Case No. 128 of 2017.

2) Heard the learned counsel for the applicant and the learned APP. Perused the charge-sheet.

3) The prosecutrix in the present matter was aged about 20 years at the time of the incident i.e. on 29th December, 2016.

The prosecution case in brief is that after getting

acquainted with the prosecutrix at Borivali, Mumbai, the applicant gave her promise to marry and subsequently established physical relations with her. The said relations were continued from September, 2016 to November, 2016. That, the applicant subsequently breached the promise to perform marriage with the first informant. It is also alleged that the applicant had assured the prosecutrix to get a suitable job for her and has taken certain money from her, however, failed to give any job to her. After the prosecutrix realised that the applicant has breached the promise of the marriage, the present crime came to be registered.

4) After perusing the FIR and the statements on record, prima facie it appears that the prosecutrix was a consenting party to the alleged act by the applicant as contemplated under Section 376 of the IPC. It is to be further noted here that the Trial Court, while rejecting the application for bail of the applicant, in its impugned order dated 29th January, 2018 has also observed that the sexual relations between the applicant and the prosecutrix were with own will of the prosecutrix after he promised to marry her.

5) 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. 472 of 2016 dated 29th December, 2016 registered with Kasturba Marg Police Station, Mumbai, now culminated into Sessions Case No. 128 of 2017 pending on the file of Additional Sessions Judge, Borivali Division, Dindoshi, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend the Kasturba Marg Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of the trial.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- 6) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)