

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1303 OF 2018

Sanket Ramesh Pawar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Ms. N.V. Rao for the Applicant.

Mr. Ameet Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 25th JUNE, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 52 of 2018 dated 8th February, 2018, registered with Tilak Nagar Police Station, Mumbai under Sections 376, 420 and 312 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record annexed to the Application.

3 The prosecutrix, in the present case, was aged about 27 years on the date of lodgment of the crime. It is stated that, the prosecutrix and the Applicant were knowing each other since the year 2006. That, on 2nd December, 2016 it was mutually decided by the

family members of the Applicant and the prosecutrix that, the marriage of the Applicant be performed with the prosecutrix. It is stated that, since 22nd December 2016 till 10th December 2017, there were physical relations between the Applicant and the first informant with consent of the first informant. As the Applicant subsequently resiled from the promise of marriage, the present crime is registered.

4 As noted earlier, the prosecutrix in her first information report has admitted that, the physical relations between her and the Applicant were with her consent. It is further to be noted here that, the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai while rejecting the Application of bail on 27th April, 2018 in Bail Application No.709 of 2018, has observed that the Complainant appeared before the said Court through her Advocate and submitted that she has no objection for granting bail to the Applicant. As noted earlier, the prosecutrix was a consenting party to the alleged offence as contemplated under Section 376 of the Indian Penal Code against the Applicant.

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. 52 of 2018, registered with Tilak Nagar Police Station, Mumbai 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 Tilak Nagar Police Station on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) The 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.)