

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1596 OF 2018
Shawn Pratik Fernandis vs. The 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. T.R. Patel for the Applicant.

Mr. Amit Palkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 09th July, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.90/2018 dated 17.3.2018 registered with M.H.B. Colony Police Station, Mumbai under Sections 376, 420, 323 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 30 years on the date of lodgment of the crime.

It is the prosecution case in brief is that, the applicant

and the prosecutrix with the consent of their respective family members got engaged and the engagement ceremony was performed at Dubai on 19.5.2017. The applicant before the marriage established physical relations with the prosecutrix. It was subsequently revealed to the prosecutrix that the applicant was earlier married and during the subsistence of his first marriage he got engaged himself with the prosecutrix and established physical relations with her. During the course of investigation, the applicant came to be arrested on 17.3.2018 and after completion of investigation, the police have submitted charge sheet.

4. After taking into consideration the first information report and other documents annexed to the charge sheet prima facie it appears that the prosecutrix was a consenting party to the alleged offence as contemplated under Section 376 of the Indian penal Code.

5. In view thereof, the applicant can be released on bail .

Hence, the following order.

- a) The applicant be released on bail in CR No.90/2018 dated 17.3.2018 registered with M.H.B. Colony 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 concerned Police Station on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.
- 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.)