

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

BAIL APPLICATION NO. 1637 OF 2018

Ramesh Chandra Gosawmi	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Ms. Anjali Patil for the applicant.
Mr. Arfan Sait, APP for the Respondent-State.
Mr. Ramesh C. Wagh, P.I. Malabarhil, Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 11th SEPTEMBER, 2018.

P.C.

1. Applicant is seeking bail in connection with C.R. No. 151 of 2018 registered with Varsova Police Station for the offence punishable under Sections 376, 323, 506 (1) of Indian Penal Code.

The First Information Report was lodged on 10th April, 2018.

2. The prosecution case is that the complainant is married with one Satyajit Suryavanshi on 22nd August, 2018. Prior to her marriage, she had joined Sukha Sai Company in November 2014. In the said Company Project Manager i.e Applicant of Saksham of Saksham Consultancy Private Limited used to come for supervision and during the work they got acquainted with each other thereafter complainant left the Sukha Sai Company and joined

Sakhsam Consultancy Private Limited in January, 2015. In March, 2015 when complainant was on site applicant told her that he was in love with her and demanded sexual favour but the complainant refused the same. He also stated that he would commit suicide if the complainant refused to adhere to his request. Thereafter, the accused took her to the place of incident and committed sexual intercourse with her. Thereafter she got acquainted with Satyajit Suryawanshi and said acquaintance was converted into love affair. She did not inform Satyajit about the incident apprehending that he would refuse to marry her. It is further alleged that in February, 2018, applicant gave threat and kept physical relations with complainant. Complainant was having pain in stomach therefore she visited the hospital and that time she came to know about the same. He enquired with complainant about the same and she narrated entire incident to her husband. In pursuance to that the First Information Report was lodged as stated above in April, 2018.

3. It is the case of the applicant that relationship was consensual and FIR was lodged due to pressure. The applicant relies on medical history given by the complainant wherein it is stated that victims husband and family members forced her to take

necessary action against her senior. The applicant is relying upon the photographs of the applicant and the complainant together in happy days and also relied upon several whatsapp messages which according to the applicant shows that there was affair between them. It is further submitted that the statement of staff of the company also indicates that complainant and applicant know each other and there was an affair between them.

4. Learned APP submitted that the complainant was forced to have sexual intercourse by the applicant. She has conceived and delivered a child. It is submitted that complaint does not disclose that relationship was consensual. She got married to another person and the applicant even than the applicant chased her. It is further submitted that photographs and whastapp messages allegedly exchanged between the parties are not part of the chargesheet.

5. On perusal of the medical history, First Information Report, statement of the witnesses, it is apparent that relationship between the complainant and the accused had ensued from 2015 onwards. The First Information Report was lodged on 10th April, 2018. The statement of witnesses i.e the employees working in the company of the applicant also indicates that the applicant and complainant

were acquainted with each other inferring relation ship. It appears that there was exchange of whatsapp messages between the applicant and the complainant. Investigation is completed and chargesheet has been filed. The applicant is in custody from 12th April, 2018.

6. In the circumstances, bail can be granted to the applicant.

ORDER

- i) Criminal Bail Application No. 1637 of 2018 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 151 of 2018 registered with Versova Police Station on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand only) with one or more sureties in the like amount;
- iii) The applicant shall attend Varsova Police Station once in a month on first Saturday between 10 a.m. to 12 noon till further order;
- iv) Applicant shall stay away from the complainant;
- v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- vi) The application stands disposed off.

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.09.12
17:48:00 +0530

(PRAKASH D. NAIK, J.)