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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1679 OF 2018

Sachin Mahadev Bichkar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. A.P. Mundargi, Senior Advocate I/by Trupti Bhardi for the Applicant.

Mr. M. G. Patil, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th July, 2018.

P.C.:-

1 This is an Application under Section 439 of the Cr.P.C. for bail in CR No 210 of 2018 dated 31/5/2018 registered with Khar Police Station, Mumbai (C.R. No. 334 of 2018 dated 15/5/2018 registered at Amaravati Police Station) under Section 376, 376 (2) (N), 323, 504 of the Indian Penal Code.

2 The prosecutrix in the present case is aged about 31 years. The First Information Report is lodged by the prosecutrix herself. It is the case of the prosecution that the applicant was having friendly

relations with the prosecutrix which were blossomed into love affair. That the applicant by giving promise to marry established physical relations with the prosecutrix. It is further alleged that the applicant by giving threat that he will publish the objectionable photographs of the prosecutrix, sexually exploited her. That the applicant was although married by suppressing the said fact, established the said relations with the prosecutrix.

During the course of investigation, the applicant came to be arrested on 20th June, 2018 and since then he is in jail.

3 The First Information Report and the record of investigation indicate that the offence as alleged under Section 376 of IPC against the applicant was a consensual act between two adult persons and the prosecutrix was a consenting party to the same.

4 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. 210 of 2018 dated 31/5/2018 registered with Khar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

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- b) After his release from Jail, the Applicant shall attend the concerned Police Station on every alternate Monday initially for a period of six months and thereafter on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial, if police files final report.
 - 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 pressurize the prosecution witnesses.
- Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

Radhakishan
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