

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

CRIMINAL BAIL APPLICATION NO. 2454 OF 2019

Mahesh Gangaram Patil

.... Applicant

Versus

The State of Maharashtra & Anr.

.... Respondents

- Mr. Kuldeep U. Nikam for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Vaibhav Gaikwad, for Respondent No.2.
- Swati Namdevrao Pawar, Khandala P.stn. Dist. Satara, present.

CORAM :SARANG V. KOTWAL, J.

DATE :05th SEPTEMBER, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. I 51 of 2019 registered with Khandala police station, Dist. Satara, U/s.376(2)(n) of IPC. The FIR is lodged on 29/03/2019 by the victim herself who is 21 years of age. She has stated in her FIR that since May 2018 the applicant and the prosecutrix had become friends and their friendship developed in love affair. It is alleged in her FIR that in July 2018

for the first time they had their sexual intercourse. At that time, the applicant had promised her that he would marry her. Though, she was reluctant, they had their sexual intercourse. Thereafter on a couple of occasions, both of them went to a lodge and continued with the physical relations. The FIR further mentions few more instances when they kept their physical relations. Subsequently, in March 2019 the applicant told the prosecutrix that he could not marry her and he was never serious about their relationship. On this basis, the FIR is lodged.

2. The applicant is arrested on 19/06/2019 and since then he is in custody. Learned APP points out that the charge-sheet is filed on 14/08/2019.

3. Heard Mr. Kuldeep Nikam, learned counsel for the Applicant, Ms. S. S. Kaushik, learned APP for the State and Mr. Vaibhav Gaikwad, learned counsel for the Respondent No.2.

4. The prosecutrix is represented through her lawyer. The prosecutrix is present in the court and is identified by the learned counsel appearing for her. The prosecutrix/Respondent No.2 has tendered an affidavit mentioning that the applicant's father has

consented to their marriage and both families have decided to permit them to get married on or before October 2019. The learned counsel for the applicant, on instructions of the father of the applicant, who is present in the court, concurs with the averments made in the affidavit. In these circumstances, since the prosecutrix and the applicant are getting married and since the allegations in the FIR do suggest that there was a consensual relationship, I am inclined to grant bail to the present applicant. Hence, the following order.

5. Hence, the following order :

ORDER

- (i) In connection with C.R. No.I 51 of 2019 registered with Khandala Police Station, Dist. Satara, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)