

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

CRIMINAL BAIL APPLICATION NO. 3015 OF 2018

Ashok Tulasidas Yadav ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Rahul K. Dhaygude for Applicant.

Ms. J. S. Lohokare, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 4, 2019.

P.C. :

. In Crime No. 649 of 2018 punishable under Sections 376, 384, 452, 504, 506, 354-D, 323 read with Section 34 of the Indian Penal Code and Section 67 of the Information Technology Act, 2000 after the Applicant was arrested on July 17, 2018, he came to be chargesheeted.

2. The FIR reflects the incident from 2010 till 2018. The alleged incident of rape relegates from 2012 to 2018.

3. It is also claimed that there are Whatsapp messages in the form of threats issued by the Applicant after 2016.

4. The perusal of the record does not reflect of such

messages though the mobile phone of the Applicant is seized. Apart from above, the fact remains that the Applicant is married in 2016 whereas the complainant after her marriage has started residing at Thane.

5. Considering the law laid down by the Apex Court in the matter of *Dr. Dhruvaram Murlidhar Sonar V/s The State of Maharashtra & Ors. in Criminal Appeal No. 1443 of 2018 arising out of S.L.P.(Criminal) No.6532 of 2018*, in my opinion, the Applicant deserves to be released on bail. Hence, the following order.

ORDER

- (A) The Applicant be released on bail after furnishing PR Bond of Rs. 25,000/- with two sureties in the like amount.
- (B) The Applicant shall not tamper the evidence of prosecution nor influence the prosecution witnesses.
- (C) The Applicant shall keep himself away from the jurisdiction of Thane where the victim is residing.
- (D) If in future it is noticed that the Applicant has tried to tamper the prosecution case or influence the prosecution witnesses, the complainant and prosecution will be at liberty to apply for cancellation of bail.

(E) Two consecutive absence of the Applicant before the sessions Court will result in taking out the Application for cancellation of bail.

6. Criminal Bail Application stands disposed of in above terms.

(NITIN W. SAMBRE, J.)