

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

CRIMINAL BAIL APPLICATION NO. 45 OF 2019

Padam Singh Kalu Singh Kuwar @ Prem	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Vijay R. Sahitai for the Applicant.
- Mr.S.R. Agarkar, APP for the Respondent.
- Mr.R.S. Sawant, P.I. Aarey Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th MARCH, 2019.

P.C. :

1] This is an application for bail in connection with C.R. No. 147 of 2018 registered with Aarey Police Station for the offence punishable under Section 376, 377, 420, 494, 504, 354(B), 506 of the Indian Penal Code. The FIR was lodged on 26th June, 2018. It is alleged that from 2012 to 2018, the Applicant by suppressing the fact that he is already married made promises of marriage to the Complainant and had physical relationship with her on several occasions. It is further alleged that the Applicant had threatened the Complainant that by uploading the video on social media he would defame her and had continuous physical relationship with her. It is also alleged that

the Applicant had extorted an amount of Rs.1,05,000/- from the Complainant. The wife of the Applicant had also demanded money from the Complainant. The Applicant was arrested on 29th June, 2018. The investigation is completed and charge-sheet is filed.

2] Learned counsel for the Applicant submitted that the case is false. Taking the allegations from the FIR as it would determine that the relationship is consensual. The Complainant is a major women aged about 29 years.

3] Learned APP submitted that the accused had issued threats to the Complainant and had extorted amount from her. The accused had made false promise of marriage by suppressing that he is a married person and had physical relationship with the Complainant.

4] I have perused the FIR and other documents. The FIR indicates that the Complainant and the Applicant were in relationship since 2012 onwards. The FIR was lodged on 26th June, 2018. On several occasion they had physical relationship at various places. Investigation is completed. Considering the factual matrix of this case, bail can be granted to the Applicant.

5] Hence, following order.

:: O R D E R ::

- (i) Bail Application No. 45 of 2019 is allowed.
- (ii) The Applicant is directed to be released on bail in C.R. No. 147 of 2018 registered with Aarey Police Station, on his furnishing the P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.
- (iii) The Applicant shall report to concerned Police Station once in a month on first Saturday of the month between 11.00 pm to 01.00 pm till further order.
- (iv) The Applicant shall not tamper with the evidence and shall not try to approach the victim/complainant.
- (v) The Applicant is permitted to furnish cash security of Rs.25,000/- for the period of six weeks.

[PRAKASH D. NAIK, J.]