

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

CRIMINAL BAIL APPLICATION NO.129 OF 2019

Anand Jagannath Navgire

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Sajeev Sawant a/w. Mr.B.K. Barve, Mr.Sandeep Barve, Ms.Archana Lad, Ms.Sheetal Tanpure, Mr.Sanotosh Wagh, Mr.Preshit Bagul, Ms.Laxmi Ingale i/b. M/s.B.K. Barve & Co., Advocate for the Applicant.

Mrs.Geeta P. Mulekar, APP for the Respondent – State.

Mr.Jay S. Patil i/b. Mr.Sachin Deokar, Advocate for the Intervener – Complainant.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

Applicant is seeking bail in connection with C.R.No.417 of 2018, registered with Mira Road Police Station, District - Thane, for the offences punishable under Sections 376(2)(N), 417, 504 and 506 of Indian Penal Code ("IPC", for short). FIR was lodged on 14th December, 2018. The case of the complainant, as depicted in the FIR is that in 2017, she had opened the account on Website Shadi.com. On 26th February, 2017, she got request from the applicant-accused. Thereafter

both of them got acquainted with each other. It was decided by both the parties that they would perform marriage. Applicant - accused promised that he would be marry her. On 13th January, 2018, the complainant came from Nagpur to Thane. Both stayed together. On the promise of marriage, the complainant had physical relationship with the accused on 13th January, 2018 and thereafter on 14th January, 2018, 16th January, 2018. Thereafter complainant left for Nagpur on 17th January, 2018. Subsequently, applicant accused kept on threatening her to defame her on Facebook and Instagram and also abused her.

2 Applicant was arrested on 14th December, 2018. Learned counsel for the applicant submitted that the contents of FIR itself indicate that the relationship was consensual. The complaint was lodged on 14th December, 2018. It is submitted that there are Whatsapp messages between both the parties. Learned APP submitted that there is evidence against the applicant. Under the pretext of marriage, the applicant had induced the complainant to indulge in physical relationship. The promises were false. Medical evidence supports the prosecution case. Learned counsel for the intervener-complainant reiterated the submissions advanced by learned APP

and submitted that the accused had threatened the complainant of defamation. After undergoing police custody, applicant is presently in judicial custody. After the arrest of the applicant, till today the prosecution has not been able to recover any objectionable material from the cell phone of the applicant. Learned APP, however, submitted that the investigation is still in progress. Considering the circumstances, stated hereinabove case for grant of bail is made out. Hence, the application is required to be allowed.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.129 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.417 of 2018, registered with Mira Road Police Station, District - Thane, on his furnishing P.R.Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall attend Mira Road Police Station, District-Thane, once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicant shall not tamper with the evidence in any manner;
- (v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)