

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

BAIL APPLICATION NO. 280 OF 2019

Vishnu Shantaram More ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Kabul Singh Labana, Advocate, for the Applicant.

Mr. Prashant Jadhav, APP for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : FEBRUARY 25, 2019.

PC :

1 The Applicant is seeking bail in connection with CR No. I-62 of 2018, registered with Vikramgarh Police Station, for the offence under sections 376, 323, 504, 506 of the Indian Penal Code.

2 It is alleged that on 30th July, 2018 at about 11 a.m., the complainant had gone to agricultural field and while she was returning at about 2 p.m., the applicant accused caught-hold of her, dragged her in the bushes and committed forcible sexual assault on her. The victim then informed the incident to her husband and at about 6.30 p.m., the FIR was lodged. Investigation is completed and chargesheet is filed. The applicant was arrested on 13.08.2018.

3 Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. The applicant and victim are in relationship. On 13.08.2018, the wife of applicant had lodged a complaint against the husband of the victim and N.C. complaint was registered under section 323, 506, 504 of the Indian Penal Code. It is further submitted that the FIR has been registered against the applicant, after the registration of aforesaid NC complaint. It is further submitted that the Police had issued notice to the applicant on 02.08.2018 under section 149 of the Cr.P.C., stating that on account of relationship of the applicant with the victim, there was a quarrel, which was resolved and therefore, in order to maintain peace, the notice was issued to the applicant. It is stated that the said notice exhibits that there was relationship between the applicant and the victim. The applicant is also relying upon several letters exchanged between them, in support of his submission that there was relationship between him and the victim.

4 Learned APP submitted that the first information report categorically mentions that the applicant had sexually assaulted the victim and the relationship was not consensual. The applicant had also assaulted the victim and therefore, offence was registered under section 323 of the Indian Penal Code.

5 I have perused the charge-sheet. The medical evidence does not indicate injuries to support the allegations of the assault. The notice issued under section 149 of the Cr.P.C., indicate that there was relationship between the applicant and the victim prior to the registration of the FIR and that NC complaint was lodged by the wife of the applicant.

6 Considering the factual matrix of this case, further detention of the applicant is not necessary and case for grant of bail is made out. Hence, I pass following order :

ORDER

- i. Bail Application No. 280 of 2019 is allowed.
- ii. The Applicant is directed to be released on bail in connection with CR No. I-62 of 2018, registered with Vikramgarh Police Station, on his furnishing PR 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 a.m. to 1 p.m. till further orders.
- iv. The applicant shall not tamper with the evidence.

(PRAKASH D. NAIK, J.)