

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

CRIMINAL BAIL APPLICATION NO. 327 OF 2019

Sandip Arun Kumar Sinharoy	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Sudeep Pasboloa i/b. Mr.Karl Rustumkhan for the Applicant.
- Mrs.A.A. Takalkar, APP for the Respondent.
- Mr.Ranshevare, P.I., Samta Nagar Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2019.

P.C. :

1] The Applicant is arrested in connection with C.R. No. 904 of 2018 registered with Samta Nagar Police Station for the offence punishable under Section 376(2) (n), 323, 324, 417 and 506 of the Indian Penal Code. The First Information Report was lodged on 26th December, 2018. The Applicant was arrested on the same day.

2] The case of the Prosecution is that the victim got acquainted with the Applicant through dating website and

thereafter, both of them got acquainted with each other. The Applicant had allegedly promised her of marriage and there was physical relationship between them. Subsequently, the complainant realized that the Applicant is already married and he has suppressed the marriage from her. It is alleged that somewhere in December 2018 the Applicant had physical relationship with her without her consent and at that time the Applicant had allegedly assaulted her. In pursuance of that, the First Information Report was registered. The investigation was proceeded and the Charge-sheet had been filed. Learned counsel for the Applicant submits that the Applicant is in custody from the date of arrest. The relationship between them was consensual. There was physical relationship between the Applicant and the victim on several occasions. Further the detention of the Applicant is not necessary. Learned APP submits that the medical evidence indicates that there were abrasions on the person of the victim, which supports her version. It is submitted that the accused had made false promises of marriage. He was acquainted with two other women. Two other marriages had ended in divorce.

3] On perusal of the First Information Report, it can be

seen that on 20th December 2018 the Complainant came to Mumbai from Bangalore to meet the Applicant. Both of them stayed together in the house of the Applicant. There was physical relationship between them. Subsequently, on 24th December, 2018 also they had physical relationship.

4] Considering the nature of allegations, it appears that the relationship was consensual. The Complainant is a major women. The investigation is completed and Charge-sheet is filed. Further custody of the Applicant is not necessary.

5] Hence, following order.

- (i) Bail Application No. 327 of 2019 is allowed.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 904 of 2018 registered with Samta Nagar Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall report Samta Nagar Police Station once in a month on first Saturday of the month between 11.00 pm to 1.00 pm till further order.

- (iv) The Applicant shall not tamper with the evidence and shall not try to approach the Complainant/victim.
- (iv) The Applicant is permitted to furnish cash security of Rs.25,000/- for the period of six weeks.

[PRAKASH D. NAIK, J.]