

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

Cri. BAIL APPLICATION NO. 389 OF 2019

Mr. Sonu Raja Devendra ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Sujit Shelar, Advocate, I/by G.R. Iyer for the Applicant.

Mrs. A. A. Takalkar, APP for the State.

(Mr. Torve, PSI, Kurla Police Station, is present.)

CORAM : PRAKASH D. NAIK, J.

DATE : MARCH 07, 2019.

PC :

1 The applicant is arrested on 29.06.2018 in CR No. 289 of 2018, registered with Kurla Police Station, for the offence under sections 376 (N), 385, 328, 504, 506, 323 of the Indian Penal Code.

2 The case of the prosecution emanates from the statement of the victim/ complainant. She is aged of about 33 years. She was acquainted with the applicant since 2016. In 2017, the applicant had called the complainant to Kurla Station. When she reached Kurla Station, she was given some water to drink and both of them boarded taxi. She felt dizziness. She was taken to some lodge in an unconscious

condition. After regaining consciousness, she realized that the accused had subjected her to sexual assault. It is also stated that the accused had recorded her video and threatened her that he would upload it on social media. Thereafter, the accused had kept physical relationship with the complainant.

3 Investigation is complete and the chargesheet is filed.

4 On perusal of the chargesheet and other documents on record, it is apparent that the complainant/victim is major woman. There was physical relationship between the complainant and the accused on several occasion. The mobile of the applicant has been seized by the police. The statement of victim and the call data record runs counter to the version of the complainant. She was in conscious condition while she was taken to lodge. The witness at lodge stated that the applicant and the complainant had disclosed their identify while entering the lodge. Thus it appears that the relationship of the applicant and complainant, prima facie, is of consensual nature.

5 Considering the factual matrix of the matter, a case for grant of bail is made out by the applicant. Hence, I pass following order :

ORDER

- i. Bail Application No. 389 of 2019 is allowed and disposed of.
- ii. The applicant is directed to be released on bail in connection with CR No. 289 of 2018, registered with Kurla Police Station, on furnishing PR Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- iii. Applicant shall report to concerned police station once in a month, on first Saturday of month between 11 a.m. to 1 p.m. and thereafter, as and when called.
- iv. The applicant shall not tamper with prosecution evidence.

(PRAKASH D. NAIK, J.)

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