

Dond

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

BAIL APPLICATION NO. 439 OF 2019

Satish Sudhakar Athawale

..Applicant

Vs

The State of Maharashtra

..Respondent

Ms. Mallika Ingale for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 14th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 269 of 2018 dated 31.5.2018 registered with Borivali Police Station, Mumbai under sections 376, 354(A)(1), 354D, 500, 504, 506 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The prosecutrix in the present crime was aged about 21 years at the time of incident. Perusal of first information report would indicate that, the prosecutrix was a married lady and was having acquaintance with the applicant. It is at a function at her parents house, where the alleged sexual

assault is committed. Perusal of the record would indicate that the offence as contemplated under Section 376 of IPC alleged against the applicant was a consensual act between two adult persons. The investigation of the present crime is completed and the police have submitted chargesheet. There are no antecedents at the discredit of the applicant.

4] In view of the above, the applicant can to be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 269 of 2018 registered with Borivali Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

ii] After his release from jail, the Applicant shall attend the Trial Court on every first Monday of the month between 11.00 a.m and 1.00 p.m. If the first Monday comes on a holiday, the applicant shall attend the Trial Court immediately on the next working day;

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)