

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

CRIMINAL BAIL APPLICATION NO.687 OF 2019

Ganesh Namdev Yewale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vaibhav. R. Gargade, for the Applicant.

Mr. S. H. Yadav APP for the Respondent-State.

Ms. Rupali S. Akolkar for Respondent No.2 (Appointed by Leagal Aid)

Mr. S. B Kharat, Police Constable, Narayangaon Police Station, Pune, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 09th December, 2019

P.C.:

1. The applicant is seeking bail in connection with C.R No. 391 of 2017 registered with Narayangaon Police Station, Pune for the offences punishable under Sections 376, 323, 504 and 506 of the Indian Penal Code ('IPC' for short).

2. The complainant / victim is aged about 23 years. It is alleged that the applicant had approached her for friendship. Thereafter,

they became friends and applicant proposed her for marriage. On 13 August 2017, the applicant called her at Manchar. Thereafter, he dropped her at Naranyangaon on his motorcycle at about 07:00 p.m., he took her behind hotel. He had forcible sexual intercourse with victim. He threatened her not to inform about incident to her family members. Subsequently, she realized that she has conceived. The first information report (FIR) was lodged on 25 December 2017. The applicant was arrested on 07th January 2018.

3. The learned counsel for the applicant submitted that the relationship was consensual nature. There is delay of four months in lodging FIR. The applicant had filed an affidavit stating that, he is ready to take and responsibility of the victim and the child. It is submitted that complaint was lodged under the pressure of the parents by the victim. Learned APP submitted that, the offence is of serious nature. The relationship was not consensual, the applicant had forcibly performed sexual relationship.

4. The learned counsel for the intervener / victim submitted that, the victim was forced to have physical relationship she was threatened of dire consequences. Hence, the FIR was lodged after

a period of four months. The applicant has filed an affidavit after he is arrested to seek bail. The victim is not willing to join the applicant.

5. I have perused the first information report. Apparently, both of them were friends. The applicant and victim, went to secluded play and it is alleged that, the accused had forcible intercourse with the victim. Incident had occurred on 13th August 2017 and FIR was lodged on 25 December 2017. The applicant is in custody for a period of two years. The victim had voluntarily met him on the date of incident and both of them had visited the place of incident.

6. Considering these circumstances bail can be granted on certain terms and conditions.

Order

(i) Bail application No. 687 is allowed.

(ii) The applicant is directed to be released on bail in connection with C.R No. 391 of 2017 registered with Narayangaon Police Station on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) Applicant shall not approach the victim or her relatives during the pendency of the Trial and shall not tamper with the evidence;
- (iv) Bail application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)