

Dond

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

BAIL APPLICATION NO. 715 OF 2019

Geetak Narendra Patil

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Rahul Arote for Applicant.

Mr. S.S. Hulke, 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. 574 of 2018 dated 9th December 2018 registered with Rabale Police Station, District-Thane under sections 376(2),(j),(k)and(n), 328, 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 is aged about 37 years and is mother of two children of adolescent ages. The first information report itself indicates that the relation between the applicant and the prosecutrix came to the knowledge of the husband of prosecutrix in the month of

January 2018 and thereafter the said relations were discontinued. It is alleged that, in the month of June 2018 the applicant had been to the house of the prosecutrix when nobody else was present and had physical relations with her. On 2.8.2018 the husband of the prosecutrix noticed a mobile phone in her possession, gifted by the applicant and thereafter, the present crime has been registered.

4] Perusal of the record would indicate that the offence as contemplated under Section 376(2),(j),(k) and (n) was a consensual act between two adult persons and it is only after the husband of the prosecutrix came to know about the relations, the present crime is lodged.

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

Hence the following Order:-

i] Applicant be released on bail in CR No. 574 of 2018 registered with Rabale Police Station, District-Thane 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] The applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

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

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)