

Anand

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

BAIL APPLICATION NO. 961 OF 2019

Madhukar alias Madhu Ramji Umbarsada .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Girish R. Agrawal, Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 103 of 2017 registered with the Dahanu Police Station, Palghar, for the alleged offence punishable under Section 376 of the Indian Penal Code.

3. Perused the papers. According to the prosecutrix, she was working as a labourer, where the Applicant was the supervisor. The prosecutrix, deaf and dumb has alleged that when she was working at Dahanu, the present Applicant under the influence of liquor had

physical relations with her, after promising marriage. She has stated that thereafter, she became pregnant and informed her aunt. It appears that the prosecutrix has also delivered a child pursuant thereto. Learned counsel for the Applicant submits that it is a case of consent. The same will be decided by the trial Court. Prima facie, the Applicant / Supervisor seems to have taken advantage of the fact that the prosecutrix was working as a labourer with him. Considering the prima facie material against the Applicant, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected. Since the Applicant is in custody for the last three years, the trial of the Applicant is expedited. Accordingly, the Application is disposed of.

(REVATI MOHITE DERE, J.)