

nsc.

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

CRIMINAL BAIL APPLICATION NO.1439 OF 2019

Gagan Santosh Gulwani ...Applicant

Versus

State of Maharashtra and Anr. ...Respondents

Mr.S.A.Malkani, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

Mr.Bhagtyani Jeetu, for the Respondent No.2 - Original Complainant.

The Original Complainant is present in Court.

PSI – R.J.Shete, Ambarnath Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-150 of 2019 registered with the Ambarnath Police Station, Thane, for the alleged offences punishable under Sections 376 and 504 of the Indian Penal Code.

3. Perused the papers, the applicant and the added Respondent No.2 i.e. the original complainant were known to each other for about two years prior to the incident as they were studying in the same college at Ulhasnagar. Both the applicant and the complainant would meet often and knew each other well since 6th February, 2017. As they were studying in the same class i.e. S.Y.Bcom, the applicant would pick up the complainant and take her to college and the tuition class and thereafter, would also drop her home. According to the Respondent No.2 (complainant), some time in March 2019, (exact date now known), the applicant came to drop her home and on finding nobody in the house, asked her to teach him Accounts. It is alleged by the complainant that the applicant took advantage of the fact that she was alone at home and had forcible sexual relations with her. It is also alleged by the complainant that as she started shouting and crying, the applicant assured her that he would marry her and thereafter refused to marry her.

4. Learned Counsel for the Respondent No.2 along with Respondent No.2 (complainant) is present in Court. Respondent No.2 (complainant) states that she has no objection if the applicant is enlarged on

bail as the applicant has promised to marry her.

5. Be that as it may, it is evident from the complaint that the applicant was around 19 years of age at the relevant time and so was the complainant; that they were known to each other for about two years prior to the incident, as they were studying in the same college. The applicant is in custody since 11th April, 2019. Having regard to the same and the fact that charge-sheet is filed in the said case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of four weeks;
- (ii) The Applicant shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall attend the concerned Police Station, as and when called;

- (iv) The Applicant shall co-operate in the conduct of the trial.
- 6. The Application is allowed and disposed of in above terms.
- 7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.