

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application NO. 1559 OF 2019

Naresh Mahadev Biradi

...Applicant

Versus

The State Of Maharashtra
and others

...Respondents

....

Mr. Sachin R. Pawar, Advocate for the Applicant.

Mr. Prashant Jadhav, APP, for Respondent No.1-State.

Mr. Nikhil P. Mallelwar, Advocate for Respondents No.2 & 3.

Respondents No.2 and 3 are present in the Court.

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CORAM : SARANG V. KOTWAL, J.

DATE : 15th OCTOBER, 2019

P.C.

1. The applicant is seeking his release on bail in connection with C.R. No.1/2019 registered at Shrivardhan Police Station, District – Raigad, under Sections 376, 504 and 506 of I.P.C..

2. The applicant was arrested on 26.1.2019 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The FIR is lodged by the victim herself on 26.1.2019. She has stated in her FIR that since 2013, she was in relationship with the applicant. She has described various instances and places

where they had their physical relations. There is one allegation in the FIR that the applicant had recorded their physical relations in his mobile phone. Since 2014 they continued with their relations on and off. In 2017, she came to know that the applicant was already married and had three children. Therefore, she did not want to marry the applicant. Even then the applicant insisted to continue with the physical relations. In the year 2018, the victim had got engaged and she was to get married. The applicant called her fiance and informed him about their relations and tried to break their marriage. Getting fed up, the victim lodged this FIR.

4. I have heard Shri Sachin Pawar, learned Counsel for the applicant, Shri Prashant Jadhav, learned A.P.P. for the State and Shri Nikhil Mallelwar, learned Counsel for respondent Nos.2 and 3.

5. Learned Counsel for the applicant submitted that the matter is settled between the parties. The FIR itself shows that it was a consensual relationship. Therefore the victim and her husband were directed to be added as parties. Accordingly, the amendment was carried out. Today, Shri Nikhil Mallelwar is appearing for the added respondent Nos.2 and 3. Respondent Nos. 2 and 3 are also present in the Court today and are identified

by Advocate Shri Mallelwar.

6. Shri Mallelwar has tendered affidavits affirmed by the victim and her husband. Those affidavits are taken on record. These affidavits mention that the matter between the parties is settled and they have even filed Writ Petition for quashing of the complaint. It is categorically mentioned in the affidavits that they have no objection if the applicant is granted bail in this case.

7. I have considered all these submissions. Considering the averments made in the affidavits and considering the totality of the circumstances, I am inclined to grant bail to the applicant. Hence, the following order :

ORDER

- (i) The applicant is directed to be released on bail in connection with C.R. No.1/2019 registered at Shrivardhan Police Station, District – Raigad, on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)