

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

BAIL APPLICATION NO.1563 OF 2019

Amol Ramdas Gaikwad

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Ms. Shubhangi Parulekar, Advocate for the Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.
- Ms. Kunda Namdev Gawade, API, Talegaon-Dabhade Police Station, Pimpri Chinchwad present.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd JULY, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.706/2018 registered at Talegaon-Dabhade Police Station, Pune under sections 376, 420, 384, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by the prosecutrix on 15/12/2018. She has stated in her FIR that she was residing in a hostel at

Talegaon Dabhade. She got acquainted with the present applicant who was a bus driver. Thereafter, their friendship developed into love relationship. In August 2018, applicant told her that he was in love with her and he wanted to marry her. It is her contention that on believing such promise she started visiting different places with him. On 29/9/2018, the applicant had taken her to Alankar Lodge at Talegaon Dabhade. The prosecutrix verified with him if he was serious about getting marriage. When he confirmed that he wanted to marry her, they had physical relations. Thereafter, they had such relations in three different lodges on different occasions. The informant had stated that those relations were against her wish. She has stated that whenever she used to ask about marriage he used to give excuses. He had taken Rs.40,000/- from her on the pretext that his financial condition was weak. Since the applicant was not taking steps to get married, she made inquiry. She came to know that he was already married with two children. Then prosecutrix stopped meeting him but the applicant insisted to meet her. It is her case that on 17/10/2018, when they were discussing their future, the applicant got angry and pressed

her throat. It is her case that the applicant had given Rs.6,000/- by way of loan. When she was returning it, he tore the currency notes. The prosecutrix met applicant's wife. On her request, prosecutrix gave Rs.50,000/- as her financial condition was bad. It is her case that the applicant was threatening to send her objectionable photographs to her parents. It is her further case that the applicant's wife demanded Rs.10 Lakhs to delete those photographs and threatened that the photographs would be published on social networking sites. Ultimately, the prosecutrix lodged her FIR.

3. Heard Ms. Shubhangi Parulekar, Ld. Counsel for the Applicant and Smt. Takalkar, Ld. APP for the State.

4. Ld. Counsel for the applicant submitted that the relationship was consensual as is clearly reflected in the FIR. The applicant is arrested on 15/12/2018 and since then he is in custody. She submitted that the chargesheet is already filed and nothing further remains to be investigated.

5. Ld. APP submitted that investigation is over and chargesheet is filed. The chargesheet contains the entire material against the present applicant.

6. Perusal of the FIR does indicate that there was love relationship between the applicant and the prosecutrix. Significantly, even after, the prosecutrix came to know about the applicant's marital status, she still continued having good relations with the applicant. The allegation that there were photographs in possession of the applicant and his wife cannot be stretched to another level because the chargesheet is already filed and in the entire chargesheet there is no material indicating existence of such photographs. The photographs annexed to the chargesheet are normal photographs of the applicant and the prosecutrix together. They are not obscene photographs. The relationship was in existence. Therefore, there was nothing unusual about these photographs. Considering over all circumstances, no purpose will be served by keeping the applicant in custody. Therefore, the applicant has made out a case for his release on bail. Hence, the

following order.

ORDER

(i) The applicant is directed to be released on bail in connection with C.R. No.706/2018 registered at Talegaon-Dabhade Police Station, Pune, on his executing 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) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)