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

CRIMINAL BAIL APPLICATION NO.1775 OF 2019

Deepak Raman Malik @Vivaan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.G.Lalla a/w Ms.Aanchal Lalla i/b Lalla and Lalla, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th JULY, 2019

P.C. :

1. Leave to amend to delete the name of the First Informant/Complainant is granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.591 of 2018 registered with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 376, 328, 323, 324, 342, 366 and 506(2), of the Indian Penal Code.

4. Learned Counsel for the applicant submits that the relations between the applicant and the complainant/prosecutrix, were consensual in nature. He submitted that the applicant is in custody since December, 2018. He submitted that although the parties i.e. the applicant and the complainant/prosecutrix had filed a Writ Petition before the Division Bench of this Court for quashing the case by consent, the same was withdrawn, as the Court was not inclined to quash the proceedings. Learned Counsel for the applicant states that the complainant/prosecutrix and the applicant wish to come back and stay together.

5. Learned APP opposed the application. He submitted that there are similar cases registered as against the applicant, i.e. one case with the Bangur Nagar Police Station and two cases with the Malad Police Station.

6. Perused the papers. According to the complainant/prosecutrix, aged 31 years, she met the applicant on a dating app “Tinder”. According to the complainant/prosecutrix, she became friendly, however, since the applicant had been to Dubai, there was no contact between them during the period February 2016 to October 2016. She has further stated that in

November 2016, there was regular contact between them and they resided together at Mysore for about two weeks, as she had gone to Mysore for Yoga training. She has alleged that when they were staying together, the applicant assaulted her with a belt and had forcible relations with her, without her consent. She has further alleged that after March 2017 when she returned from Mysore, the applicant would visit her house and forcibly reside with her. According to complainant, the applicant during the period from November 2016 to December, 2018, had forcible sexual intercourse with her, several times, without her consent. The applicant is aged about 29 years and the complainant/prosecutrix, is about 31 years. Whether the relations between them were consensual or not, is a matter which will be decided by the Trial Court. As far as the cases registered as against the applicant are concerned, it is not in dispute that in the case registered with the Bangur Nagar Police Station, the applicant has been granted pre-arrest bail and the other two cases registered as against the applicant are also similar to the present case. Admittedly, none of the girls were minor. The applicant is in custody since December, 2018.

7. Considering the aforesaid, 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.25,000/- each, for a period of eight weeks;
- ii) The Applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- iii) The Applicant shall co-operate in the conduct of the trial

8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.