

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

**CRIMINAL BAIL APPLICATION NO.1872 OF 2019**

Samadhan Bharat Randive

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Tejas Hilage, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 07<sup>th</sup> AUGUST, 2019**

**P.C. :**

1. The Applicant is seeking his release on bail in connection with C.R.No.401/18 registered with Kothrud Police Station, Pune, under sections 376(N), 366, 506 of the Indian Penal Code.
2. The FIR is lodged by the prosecutrix. She has stated in her FIR that her birth date was 16/04/1996. She was not educated. Her family members were labourers. They used to

attend their work from 07.00 a.m. to 08.00 p.m. She used to be alone in the house. She developed love relationship with the present Applicant. He promised to marry her. They had their regular physical relations. The prosecutrix became pregnant. But the child did not survive. It is further mentioned in the FIR that the Applicant used to threaten her that he would commit murder of the prosecutrix and her family. Even thereafter their physical relations continued and she became pregnant again. It is alleged that the Applicant forced her to unnatural sexual intercourse. Finally when she was pregnant of five months, she lodged her FIR.

3. The Applicant was arrested on 16/12/2019. The investigation is over. Charge-sheet is already filed. The prosecutrix has given birth to a female child.
4. Heard learned Counsel Mr. Tejas Hilage for the Applicant and learned APP Ms. A.A. Takalkar for the State.

5. Learned Counsel for the Applicant submitted that the FIR itself shows that the Applicant and the prosecutrix were in relationship. The prosecutrix became pregnant on two occasions. On the second occasion, she even gave birth to a child, which shows that they were having relationship over a long period and it is difficult to believe that these relations were kept going under some threat. Learned APP opposed this application.

6. I have perused the FIR and other statements in the charge-sheet. At this stage there is no doubt that the Applicant had physical relations with the prosecutrix and from that relations a child is born. However, from the conduct of the prosecutrix it does not appear that there was any force involved though she claims so. Relationship was going on for a long period of 2-3 years. She became pregnant second time. In spite of knowing everything, she continued to have physical relations with the Applicant. She was an adult. Therefore at this stage, it is difficult to believe that any offence as alleged is committed by the Applicant. The Applicant is already in custody since

26/02/2019. Therefore 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.401/18 registered with Kothrud Police Station, Pune, on his furnishing PR 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.)**