

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

CRIMINAL BAIL APPLICATION NO. 2529 OF 2019

Sumit Dilip Gangad

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Arun Rajput i/by Ms. Anjali Patil, Advocate for the Applicant.

Mr. Ajay Patil, A.P.P. for the Respondent-State.

Mr. Dilip M. Rane, P.S.I., Aarey Police Station.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 12th DECEMBER 2019.

P.C.

1. Heard.

2. Victim was 17 years old. She is a student of B.Sc. I.T. 1st year. She was in relationship with the applicant since 2014. Victim's father accepts this fact. In the history narrated by the survivor-victim to the medical officer reveals, she had physical relation with the applicant. Submission is that the

survivor - victim and the applicant were in consensual relationship and it is in the year 2018, she alleged in August, 2015, applicant had committed sexual assault.

3. Applicant is in jail since 20th July, 2018. Prima-facie, applicants' relationship with survivor soured, which resulted into the subject crime.

4. In view of the evidence on record and particularly, the statement of victim's father and history narrated by the victim to the medical officer and the fact that victim has attained the age of maturity, the applicant is directed to be released on bail.

ORDER

(i) The applicant is directed to be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish the particulars of his residential address as well as permanent address and mobile contact number to the investigating officer within ten days from today;

(iii) The applicant shall not enter into the jurisdiction of the concerned Police Station, till the trial is concluded;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

5. The application is allowed and disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(SANDEEP. K. SHINDE, J.)