

Anand

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

**BAIL APPLICATION NO. 2808 OF 2019**

Rakesh Laxman Yadav .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Namrata S. Bobade, Advocate, for the Applicant  
Ms Veera Shinde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 17.10.2019**

**P. C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-109 of 2019 registered with the Rabale MIDC Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376, 376(2)(n) of the Indian Penal Code.

3. Perused the papers. According to the prosecutrix, aged 26 years, she was in a live-in-relationship with the Applicant, aged 35, since September, 2018. She has stated that she was working as a nurse and the Applicant was working as a driver on private vehicles. She has stated that as the Applicant promised marriage, she had physical relations with him. She has further alleged that she became pregnant on

three occasions, however, as the Applicant promised to marry her, she aborted the said pregnancies. She has further alleged that being suspicious, she traced the number of the Applicant's father and contacted him and learnt that the Applicant was married previously and had five children. She has further stated that she went to the village to confirm the same and learnt that the Applicant was previously married and had five children. She has further stated that when she asked the Applicant about marriage, the Applicant assaulted her. According to the prosecutrix, she again became pregnant, however, she aborted the said pregnancy. She has alleged that she had physical relations with the Applicant, as the Applicant had promised marriage. Accordingly, the prosecutrix lodged the aforesaid complaint as against the Applicant.

4. Learned counsel for the Applicant states that the relations between the parties were consensual in nature, as is evident from the FIR. Whether the relations are consensual or not, is a matter which will be decided by the trial Court. The Applicant is in custody since 18.06.2019. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the Application is allowed on the following terms & conditions :-

### **ORDER**

(i) The Applicant be enlarged on bail, on executing P. R. Bond

in the sum of **Rs. 10,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station once a month i. e. on the **first Saturday of every month** between **10:00 a. m. to 11:00 a. m.** for a period of 24 months from the date of his release;

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

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. 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.

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

**(REVATI MOHITE DERE, J.)**