

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

BAIL APPLICATION NO. 2895 OF 2019

Anil Subhash Pawar ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Kuldeep Patil for the Applicant.

Mr. H. J. Dedhia APP for the State/Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th November 2019

PC :

1. This is an application seeking bail in connection with CR. No. I-272 of 2019 registered with Shahupuri Police Station, District: Satara for offences punishable under Sections 376(2) (n), 420, 323, 504, 506 r/w 34 of Indian Penal Code (for short 'IPC').

2. The First Information Report was lodged on 24th July, 2019. The applicant was also arrested on the same date.

3. The case of the prosecution is that the applicant is the maternal brother of the complainant. In 2016, the applicant

and the complainant had exchanged their mobile phone numbers. The applicant had joined the Police force and was posted at Sangli. He was sent to Marol, Mumbai for training. The applicant and complainant got acquainted with each other. Initially, they felt that their family would not approve marriage. The complainant had also joined the Police Force and she was undergoing training. It is alleged that on 17th July, 2018, the applicant met the complainant and both of them had physical relationship. Subsequently, on 14th June, 2019 also there was sexual relationship between them. The applicant thereafter refused to marry her and thus First Information Report was lodged.

4. Perusal of the First Information Report and the other documents forming part of charge-sheet, it is apparent that the applicant and the victim were related to each other. They got acquainted. There was physical relationship between them on two occasions. The relationship is apparently consequential. The applicant is in custody from the date of arrest. The investigation is completed and the charge-sheet is filed.

5. Learned APP further submitted that the complainant

had parted an amount of Rupees Fifty Thousand to the applicant which could not be recovered. It is pertinent to note that the applicant is in custody from 24th July, 2019 and there is no recovery from him. Admittedly, the complainant had parted amount to the applicant voluntarily. Considering the aforesaid factual matrix of the case, the further custody of the applicant is not called for. The applicant can be granted bail on certain terms and conditions.

ORDER

- (i) Bail Application No. 2895 of 2019, is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-272 of 2019 registered with Shahupuri Police Station, Satara for the offences on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report the concerned Police Station, once in a month on first Saturday of every month between 10:00 a.m. to 2:00 p.m. till further order;

(iv) The applicant shall not approach the complainant and shall not tamper with the evidence.

(v) Bail Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)