

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2729 OF 2018

Vinod Kashinath Gade, Age 24 years,
Occ.Driver, R/o.Aziz Baug, Azad Nagar,
R.C.Marg, Chembur, Mumbai.

Applicant

versus

The State of Maharashtra

Respondent

Ms.Falguni K. Sanghvi for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Amol Chavan, PSI, Chembur Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th February 2019

PC :

1. This is an application for bail in CR No.36 of 2018 registered with Chembur Police Station for offences under Sections 326A, 354 of Indian Penal Code. The FIR was lodged on 2nd February 2018.

2. It is alleged that the complainant was acquainted with the accused since one year and he was insisting that she should marry him. On 22nd January 2018 the complainant was standing at the bus stop. At that time the applicant had allegedly approached her and took her aside and told her that she should marry him and he would divorce his wife. It is alleged that the accused took out some bottle which was containing phenyl and forcefully administered the same in her mouth. She omitted, however, out of fear, she did not lodge the complaint. It is pertinent to note that the complainant had lodged another FIR on 1st February 2018 with RCF Police Station vide CR No.36 of 2018 against the applicant and offences were registered under Sections 354, 354-D, 323, 504, 506(2) of Indian Penal Code. In the said FIR it is stated that on 30th January 2018 the accused had harassed her and outraged her

modesty. He again followed her on 31st January 2018. Although the alleged incident in the present FIR had occurred on 27th January 2018, there is no reference of the said incident in the FIR dated 1st February 2018 wherein reference of the incident dated 30th January 2018 and 31st January 2018 has been made.

3. Learned APP submits that the case is supported by medical evidence as well as statements of eye witnesses. The medical evidence shows that there was burn injury. However, as stated above, although the incident had allegedly occurred on 22nd January 2018 and the FIR was already registered in respect to other incident of 1st February 2018, no reference of the said instance is made, which speaks volumes of doubt. The applicant is in custody from 5th February 2018. Investigation is completed and charge sheet is filed.

4. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2729 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.36 of 2018 registered with Chembur Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall reside outside the jurisdiction of RCF Police Station, Chembur, Mumbai and shall not approach the complainant in any manner.

(PRAKASH D. NAIK, J.)