

Anand

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

BAIL APPLICATION NO. 3104 OF 2018

Manoj Sonu Kambli .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. C. Penthalia, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.06.2019

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-135 of 2018 registered with the Kasarwadi Police Station, District – Thane, for the alleged offences punishable under Sections 376 & 420 of the Indian Penal Code.

3. Perused the papers. According to the Complainant aged 35 years, she met the Applicant about five years prior to the

lodging of the FIR. She has stated that their friendship developed into a love affair and that they would meet often. She has stated that some time in 2014, the Applicant had physical relations with her, on the promise of marriage. She has stated that thereafter, on several occasions, the Applicant would take her to various hotels and have physical relations with her. She has further alleged that the Applicant took Rs. 8,00,000/- from her, by telling her, that he was looking for a room for them to stay after marriage. She has alleged that when she demanded the said amount, the Applicant refused to return the same. Accordingly, the Complainant lodged the aforesaid FIR as against the Applicant aged 29 years alleging the aforesaid offences punishable under Sections 376 & 420 of the Indian Penal Code. The Applicant is in custody since 04.06.2018. Investigation is complete and charge-sheet is filed. Whether or not the relations were consensual is a matter which will be considered and decided by the trial Court.

4. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms and conditions :-

ORDER

(i) The Applicant – Manoj Kamble be released on **cash bail** in the sum of **Rs. 25,000/-**, for a period of **eight weeks**;

(ii) The Applicant shall within the said period of eight weeks, furnish P. R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

(iii) The Applicant shall report to the investigating officer of the concerned police station on the first Monday of every month for a period of six months from the date of his release;

(iv) The Applicant shall not contact the Complainant or any person concerned with the case;

(v) The Applicant shall co-operate in the conduct of the trial;

(vi) The Applicant to file an undertaking with regard to Clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the

Applicant's bail.

5. The Application is allowed and disposed of in above terms.

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

(REVATI MOHITE DERE, J.)