

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

CRIMINAL BAIL APPLICATION NO. 3396 OF 2018

Gully Bhaggam Verma @ Ramsharan
Bhaggan Chaudhari ... Applicant
Vs.
The State of Maharashtra ... Respondent
...
Mr. Deepak P. Gautam for the applicant.
Mr. Prashant Jadhav, APP for the Respondent-State.
...

**CORAM : PRAKASH D. NAIK, J.
DATE : 25th JANUARY, 2019.**

P.C.

1. This is an application for bail in connection with CR No. I-205 of 2017 registered with Wada Police Station for the offence punishable under Sections 376, 323 and 506 of Indian Penal Code. First Information report was lodged on 2nd November, 2017. Applicant was arrested on 13th November, 2017.
2. The complaint is lodged by the sister of victim. It is alleged that the husband of the complainant had met with accident on account of work pressure, the complainant had called her younger sister to Mumbai. Younger sister stayed in the complainant's house for few days and since other married sister of the

complainant was pregnant, victim was sent to her sister's house at Vada, Dist. Palghar. Victim/younger sister stayed there from 10th January, 2017 to 3rd July, 2017. Victim / younger sister returned to the house of complainant on 3rd July, 2017. Subsequently, it was noticed that victim was pregnant and on making inquiries it was revealed that applicant who is the husband of victim's sister committed sexual intercourse with her.

3. It is apparent that sexual intercourse was committed prior to 7 to 8 months before registration of First Information Report. Victim was aged about 20 years and has not disclosed the same to her sister. It is alleged that accused had threatened her and therefore she had not disclosed the incident to any person. Apparently, considering the fact that victim had not disclosed the incident to the sister or any other person, it appears that the relationship was consensual. Applicant is in custody for a period of one year. Investigation is completed and chargesheet has been filed. Hence, bail can be granted to the applicant.

ORDER

- i. Criminal Bail Application No. 3396 of 2018 is allowed;
- ii. Applicant is directed to be released on bail in connection with CR No. 205 of 2017 registered with Wada Police Station on

furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- iii. Applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks;
- iv. Applicant shall not tamper with the prosecution witnesses;
- v. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)