

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

BAIL APPLICATION. NO. 202 OF 2020

Kiran Tukaram Aagam

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

.....

Mr. Kuldeep Patil i/b. Prashant S. Hagare, Advocate for
Applicant.

Smt. Veera Shinde, A.P.P. for the State-Respondent.
G.B. Bhise, Phaltan City Police Station present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 03rd FEBRUARY 2020

PC.

1 The Applicant is seeking bail in connection with C. R. No. 476 of 2019 registered with Phaltan Police Station, Tal: Phaltan, Dist. Satara for the offences punishable under Section 376 (2) (n) of the Indian Penal Code (for short "IPC").

2 The First Information Report (for short "FIR") was lodged on 09th December 2019 by the victim who was aged about 26 years. It is alleged that, the Applicant is related to the complainant. Applicant was visiting the house of the

complainant/victim but they have not met each other. On 31st December 2018, they got acquainted and became friends, they fell in love. In January 2019, the accused by giving promise of marriage had physical relationship with her. Thereafter, since March 2019, the Applicant used to visit the house of the victim and under pretext of marriage had sexual relationship with her. On 27th November 2019 the Applicant again visited the house of the complainant and had physical relation with her. The complainant asked the accused about performed marriage but he refused to marry her. Hence, FIR was lodged.

3 Learned APP submits that, the investigation is not completed and the charge-sheet is yet to be filed.

4 On perusal of the FIR, it can be seen that, the victim is a major lady. She was acquainted with the Applicant since December 2018. There was physical relationship between them frequently. It is alleged that, under the promise of marriage, the accused had sexually assaulted the victim. Their relationship was consensual. In view of factual aspect of this matter, further custody of the Applicant is not necessary.

ORDER

- i) Bail Application No.202 of 2020, is allowed;
- ii) The Applicant is directed to be released on bail in connection with C. R. No. 476 of 2019 registered with Phaltan Police Station, Tal: Phaltan, Dist. Satara on 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 concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm.;
- iv) Applicant shall not approach the victim and shall not tamper with the evidence;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)