

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

CRIMINAL BAIL APPLICATION NO. 433 OF 2020

Pradhan Dharma Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. R. D. Suryawanshi i/b Mr. Amit Singh, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. M. J. Jamdade, P.S.I. (I.O.) Shivaji Nagar, Police Station, Ambernath (E), Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th MARCH, 2020

PC :

1. The applicant is seeking bail in C.R. No. I-228 of 2019 registered with Shivaji Nagar Police Station, Ambernath, Dist. Thane for offences punishable under Sections 376, 506(2), & 506 of Indian Penal Code. The FIR was lodged on 1st August, 2019.

2. The complainant/victim is lady aged about 26 years. She was in search of residential premises. While looking out for the premises she got acquainted with the applicant. She told him about requirement of premises. On 22nd July, 2019 the applicant had allegedly, committed forcible sexual intercourse in the vehicle. The complaint was lodged on 1st August, 2019. In the FIR it is stated that

the complaint was lodged after consulting the advocate.

3. Learned counsel for the applicant submits that there is delay in lodging FIR, which indicates assuming the allegation to be true that the act was consensual. There are text messages between the complainant and victim. Even, in pursuant to the alleged incident, the messages were forwarded to the applicant for executing rent agreement etc. He further submitted that the complainant is present in the Court, she had filed affidavit before the lower Court stating that she has no objection for grant of bail. The applicant had preferred previous application before this Court which was withdrawn with liberty to renew the request for bail before Sessions Court. Thereafter, applicant had preferred application before Sessions Court which was rejected.

4. Learned APP submits that FIR attributes specific role to the applicant. The alleged act was forcible and not with consent.

5. The applicant is in custody from August, 2019. The alleged incident had occurred on 22nd July, 2019. The FIR was lodged after consulting the advocate on 1st August, 2019. Even, in pursuant to alleged incident, messages were exchanged between the parties. Considering the factual aspects of this matter, bail can be granted to the applicant.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 433 of 2020 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. I-228 of 2019 registered with Shivaji Nagar Police Station, Ambernath, Dist. Thane 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 11.00 am. to 1.00 pm. till further order.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)