

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2666 OF 2019

Manoj Maruti Shelke	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Milind Deshmukh with Prasanna Shahane for applicant.
Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January 2020

PC :

1. This is an application for bail in CR No.284 of 2017 registered with Lonand Police Station for offences under Sections 376(2)(n), 504 of Indian Penal Code. The FIR was lodged on 28th October 2017. The applicant was arrested on 6th May 2019.
2. The prosecution case is that since 2008 to 13th October 2017 the applicant kept on assuring that he would marry the complainant, would look after her children and also arrange for her employment and developed physical relationship with the complainant. The investigation was completed and charge sheet was filed.
3. Learned advocate for applicant submitted that the applicant was not arrested after registration of FIR. However, belatedly on 6th May 2019 he was arrested. It is submitted that on reading the FIR no offence is made out u/s 376 of IPC. There is delay in lodging the complaint. The alleged incident had occurred from 2008 onwards and the FIR is lodged in the year 2017.

4. Learned APP submitted that the accused was not available after registration of FIR. He was arrested in 2019. The victim was subjected to sexual assault under the pretext of marriage. Learned counsel for applicant, however, submitted that the applicant was all the time available which is apparent from the income tax returns and documents relating to loan transaction with the bank. He had never absconded. On perusal of the FIR it can be seen that the victim is a married lady aged about 35 years. She was allegedly subjected to sexual assault since 2008 till 13th July 2017. The FIR was lodged on 28th October 2017. Considering the facts further detention of the the applicant is not called for. Case for grant of bail is made out.

5. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2666 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.284 of 2017 registered with Lonand 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 report Lonand Police Station once in a month on every first Saturday between 10 am and 12 noon till further orders;
- (iv) The applicant shall attend Trial Court proceedings regularly, unless exempted for some reason by Trial Court;
- (v) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)