

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

CRIMINAL BAIL APPLICATION NO.3233 OF 2019

Akshay Jalindar More

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. V. V. Purwant, for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February, 2020

P.C.:

1. The applicant is seeking bail in connection with C.R.No.264 of 2019 registered with Khadak Police Station, District- Pune for offences punishable under Sections 376, 417, 323, 504, 506 r/w 34 of Indian Penal Code. The First Information Report ("FIR" for short) was lodged on 19th June 2019.

2. The complainant-victim is aged about 22 years. According to the complainant, she was acquainted with the applicant. The applicant told the complainant that he is in love with her and would perform marriage with her. On 18th February 2016, the applicant committed sexual intercourse with her. He threatened her of

defamation. She did not inform the incident to her mother. Thereafter, he kept on promising that he would perform marriage with the complainant. Since January 2017 to March 2019, the applicant took the complainant to lodge for physical relationship. However subsequently, he tried to avoid the complainant. It was learnt that the applicant was a married person. The marriage was allegedly performed on 1st June 2019.

3. Learned counsel for the applicant submitted that the relationship was consensual. Further custody of the applicant is not necessary. He was arrested on 19th June 2019.

4. Learned APP submitted that, under the false pretext of marriage and false promises, the victim is subjected to sexual assault. The offence is made out.

5. The victim and the complainant were acquainted with each other. The first incident of physical relationship had allegedly occurred in February 2016. Thereafter, the victim and applicant had physical relationship on various occasions at the lodge and residence. It is alleged that, the applicant had given false promise of marriage and the victim is subjected to sexual assault.

6. The applicant and the victim are major. Considering the facts of this case, further detention of the applicant is not warranted. Hence, case for grant of bail is made out.

ORDER

- (i) Bail Application No.3233 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No.264 of 2019, registered with Khadak Police Station, District- Pune, 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 a.m. to 1.00 p.m. till further order.
- (iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)