

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

BAIL APPLICATION NO.1954 OF 2021

BHALCHANDRA
GOPAL
DUSANE

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Date: 2021.10.14
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Nimesh Amarbhai Vachheta Applicant

Vs.

The State of Maharashtra Respondent

Ms. Anjali Patil, for Applicant.

Mrs. A.A. Takalkar, APP for State.

PSI, B.V. Gaonkar, Amboli Police Station.

Coram : NITIN W. SAMBRE, J.

Date : 13th OCTOBER, 2021

P.C.:

1. On 24th January, 2020, the applicant came to be arrested in Crime No. 524 of 2020, registered with Amboli Police Station and charge-sheeted for the offence punishable under Sections 376 and 420 of the Indian Penal Code.

2. The submissions of learned counsel for the applicant are, there was consensual relationship, as could be inferred from the

statement of the victim. It is further claimed that loan amount of Rs.1,20,000/- is already deposited with the Investigating Officer.

4. In the aforesaid background, even though learned APP has opposed the prayer for grant of bail, as the offence is punishable under Section 376 of Indian Penal Code, in my opinion, discretion needs to be exercised in favour of the applicant on following reasons.

(a) The statement speaks prima facie consensual relationship; (b) the amount involved in the crime is already recovered and (c) there are no criminal antecedents.

5. The application is allowed on following conditions :

ORDER

(i) The applicant be released on bail in Crime No. 524 of 2020, registered with Amboli Police Station, for the offence punishable under Sections 376 and 420 of the Indian Penal Code, on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) The applicant shall furnish address of his permanent residence and also furnish his latest contact details to the I.O.

(NITIN W. SAMBRE, J.)