

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2473 OF 2021

Bharat Bajirao Pawar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Sudhatta J. Patil for the Applicant.

Mr. A.R. Kapadnis, A.P.P. for the State.

Mr. Sonali S. Kathale, P.S. Warje Malwadi Police Station, Pune is present.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 03RD AUGUST, 2021.

P.C:-

1. The Applicant came to be arrested on 23/06/2021 in C.R. No.182 of 2021 registered with Warje Malwadi Police Station, Dist. Pune, thereby invoking Sections 377, 379, 384, 493, 406, 417, 323, 504, 506 of the Indian Penal Code.

2. The Applicant is indicted in the said offence on the complaint filed by the Complainant, with whom, he shared a live-in-relationship for a short period of time. The Applicant as

well as the Complainant were already married and their divorce proceedings were pending when the live-in-relationship was worked out between the Complainant and the Applicant. On account of certain compatibility issues, they separated and this gave rise to lodging of the subject FIR levelling allegations against the Applicant.

3. On the last date of hearing, learned counsel for the Complainant made a categorical statement that they have approached this court by filing a writ petition seeking quashing of the subject FIR and have filed the consent terms.

4. Today, a copy of the Criminal Writ Petition being Cri. Writ Petition (St.) No.11227 of 2021 filed on 22/07/2021 is placed on record. The consent terms accompanying the said petition are signed by the Complainant and the present Applicant. It is stated in the said affidavit that the Complainant is giving her free willful consent for quashing the FIR and the terms of the settlement are drawn.

5. Since the parties have settled the discord mutually and quashing of the subject FIR is one of the terms of the settlement, I see no reason why the Applicant shall remain incarcerated. It is informed that the quashing petition is listed before the Court on 11/08/2021.

6. Subject to the outcome of the said writ petition, the Applicant is entitled to be released on bail in the light of the settlement effected between the Complainant and the Applicant. Hence, the following order:

: ORDER :

- (a) The Applicant – Bharat Bajirao Pawar shall be released on bail in C.R. No.182 of 2021 registered with Warje Malwadi Police Station, Dist. Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicants shall report to the Investigating Officer and and when called for.

7. The Application is disposed of.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]