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

BAIL APPLICATION NO.1697 OF 2020

Mr. Deepak Dayanand Suvarna ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Shravan Giri i/by Mr. Vinod Chauhan for the Applicant.

Mr. Ajay Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 12th AUGUST, 2021.

P.C. :

Heard.

2 Applicant seeks his enlargement on bail in connection with the Crime No.260 of 2018 registered with Juhu Police Station for the offences punishable under Sections 376, 420 and 506II of the Indian Penal Code, 1860.

3 Complainant-prosecutrix alleged, that she was sexually assaulted by the applicant on the promise to marry her, but it turned out to be a false promise. Whereupon crime in question came to be registered on 31st May, 2018 against the applicant. Applicant was arrested in November, 2018. Investigation is over and charge-sheet has been filed.

4 Investigation, revealed that, at the material time, prosecutrix was 28 year old lady. She met the applicant on, matrimony site somewhere in October, 2017. Whereafter they met each other frequently and their friendship and love for each other, grew and matured over the sufficient period of time. It is apparent that physical relations that followed, was not isolated but frequently. Prosecutrix would allege that on the pretext of marrying her, applicant not only sexually exploited her but also extracted substantial amount of Rs.7,87,301/- from her over the period of two years.

5 With the assistance of the learned counsel for the applicant and the learned Additional Public Prosecutor for the State, I have perused the charge-sheet. As to whether it was false promise or breach of promise to marry and whether it vitiated the 'consent', are the questions of facts, which could be answered after the evidence is led by the prosecution. However, material on record apparently suggest that when the prosecutrix submitted to the physical desires of the applicant, she was matured enough to know what she was doing.

6 Be that as it may, applicant is in custody since November, 2018. Applicant is permanent resident of Mumbai and, therefore, by imposing suitable conditions, his presence for the trial can be secured.

7 In consideration of above facts, in my view, applicant has made out case for his enlargement on bail. Application is granted. Hence, the following order:

ORDER

(I) The applicant in Crime No.260 of 2018 registered with Juhu Police Station, shall be released on executing PR bond for the sum of Rs.50,000/- with one or more sureties in like sum.

(ii) The applicant shall attend the concerned police station on the first Monday of every month commencing from September, 2021 between 11 a.m. to 1 noon till the charge is framed.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

8 The application is accordingly allowed and disposed of.

9 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)