

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1460 OF 2022**

Rajeshkumar Singh .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms. Suvarna Avhad Vast a/w Mr. Prakash Salsingikar for the applicant.

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

Mr. Pradeep Jadhav, PSI, D.N.Nagar Police Station.

CORAM: BHARATI DANGRE, J.

DATED : 18th AUGUST, 2022

P.C:-

1 The applicant is facing charge, pursuant to a C.R. registered with D.N. Nagar Police Station invoking sections 376 and 420 of IPC. He came to be arrested on 29/11/2021 and till date despite filing of charge-sheet, charge is not been framed.

The complainant, a lady aged 26 years lodged a complaint with D.N. Nagar, Police Station on 29/11/2021 contending, that she was enrolled in CRPF as a constable in the year 2017 and was working in ladies battalion. She opened a fake face book account in a fictitious name and introduced herself with the applicant. They became friends and started chatting on facebook. The applicant gave his whatsapp number to the complainant, and they use to chat on whatsapp and exchange pictures. As per the complainant they fell in love with each other, and when the

applicant proposed her for marriage, she readily accepted the proposal. The applicant had disclosed to her that he was residing in Mumbai and his native place is in Bihar.

2. The allegation faced by the applicant is, that she was introduced to the family of the applicant and even the photographs of her brother and mother were shared by him. It is also alleged, that when the applicant expressed his need for money, the complainant parted a sum of Rs. 70,000/-. The complainant met the applicant personally, on 21/09/2020, at the railway station, and thereafter it is alleged that he took her to a near by hotel in Andheri, where they stayed for four days. It is alleged that by making her drink liquor, he forcibly committed sexual intercourse with her and a specific narration of the complainant is, that she objected to such a relationship but on the false promise of marriage, she was forced into a physical relationship.

Thereafter, when the complainant pressed for solemnization of the marriage, and she visited Mumbai on distinct occasions, she was disappointed and realized that the applicant was avoiding performance of the marriage. This resulted in complaint being lodged invoking section 376 and 420 of IPC.

3. From the reading of the complaint and the material compiled in the charge-sheet, it appears, that the applicant and the complainant continued to be in long distance relationship for a long time and when they met, they indulged in a sexual act. *Prima facie* it appear that the relationship between them was

consensual and the applicant being a major woman was capable of understanding the consequences of her act, when she came to Mumbai and stayed with the applicant in a hotel for a period of four days. The accusations faced by the applicant would be tried when it will have to be established, that the sex was not consensual, but it was on the, false promise of marriage, and it will ultimately be determined at the time of trial.

4. On completion of investigation when the entire material, collected by the prosecution is compiled in the charge-sheet, the applicant deserve his release on bail subject to the stipulation, that he shall in no way establish any contact in any manner with the prosecutrix or coerce/ influence her in any manner in deposing in favour of the prosecution case.

5. The observations made hereinabove are *prima facie* in nature and limited to the extent of disposal of the present application.

Hence following order:-

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Rajeshkumar Singh shall be released on bail in connection with C.R.No. 750 of 2021, registered at D.N. Nagar, police station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

(d) The Applicant shall mark his attendance to the concerned police station once in three months till framing of charge, and shall make himself available as and when required by the Investigating Officer.

(SMT. BHARATI DANGRE, J.)