

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

CRIMINAL BAIL APPLICATION NO.2346 OF 2021

Rakesh Dilip Shinde

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Aniket Nikam a/w Mr.Aashish Satpute, Mr.Vivek Arote for
the Applicant.

Mr.J.S. Lohokare, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 31 MARCH 2022

P.C.

. By this Application, the Applicant is seeking bail in
Crime No.01 of 2021 registered with Nigdi Police Station, under
Section 376(h)(n), 504 and 506 of the Indian Penal Code.

2. The aforesaid crime is registered on the basis of the
complaint lodged by victim on 1 January 2021. The informant-
victm was earlier married to Mr.Raviraj Pillay on 28 May 2010
and had obtained divorce from him. The informant claims to be
acquainted with the Applicant since 2014 and both of them were
staying in live in relationship. The informant had conceived from
the Applicant and had delivered a child somewhere in the year
2018.

3. The informant claims that she was insisting the Applicant for a marriage to which the Applicant refused and assaulted her. The informant conceived for the second time when the Applicant is alleged to have denied the paternity of the child and asked the informant to abort the pregnancy. She also claims that the Applicant had assaulted her mother and had forcible sexual intercourse with her on multiple occasions from 2014 to December 2020.

4. In this case after investigation a charge-sheet is filed. The Applicant was arrested on 1 January 2021 and he is in custody since then.

5. I have heard the learned counsel for the parties. Perused record.

6. It transpires that the informed had previously filed a similar FIR against the Applicant in Crime No.343 of 2018 of Nigadi Police Station, Pune City, in respect of which a final summary was filed by the Investigating Officer as the informant had withdrawn the allegations. There are certain NC's registered at the instance of the informant against the Applicant on the allegation that she was threatened.

7. It can *prima facie* be seen that the relationship is consensual inasmuch as the informant who is a lady aged about 25 years who was married earlier was staying in a live in relationship with the Applicant and also conceived a child from him. The investigation is complete and the charge-sheet is filed. Hence, the following order is passed.

ORDER

(i) The applicant-Rakesh Dilip Shinde be released on bail in Crime No.01 of 2021 registered with Nigdi Police Station, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Sessions Judge during the trial, unless exempted.

(iii) The applicant shall not enter the area where the victim is residing and shall not make any attempt to directly or indirectly to contact the victim and shall not otherwise tamper with the prosecution evidence/ witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The bail bonds to be furnished before the learned Sessions Judge.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.