

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1822 OF 2022

Sonu Amarnath Yadav	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Jitendra Pathade a/w Priyanka Singh, for the Applicant.
Mr.S.H. Yadav, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 3rd OCTOBER, 2022.

P.C.

1] The Applicant is charged for the offences under Section 376, 376(2)(n), 417 and 506 of the Indian Penal Code in connection with CR no. I-802/2021 and he came to be arrested on 21.12.2021.

2] Heard the learned counsel for the Applicant and with his assistance perused the charge-sheet placed on record which has compiled the material collected during the investigation.

3] On perusal of the complaint and material, it can be seen prima facie that the relationship maintained between the two is consensual in nature as both are adults. It is the case of the complainant that when she came to know that he has married to some other girl, she has lodged the complaint.

4] Whether offence under Section 417 and 376 of the Indian Penal Code is made out, as her consent accorded for committing sexual intercourse was only on the basis of promise to marry, will ultimately be a matter of trial.

5] Investigation being complete and charge-sheet being filed, further incarceration of the Applicant is not necessary and he can be released on bail subject to condition that he shall not attempt to establish contact with the victim.

Hence, the following order :

(a) Application is allowed.

(b) Applicant – Sonu Amarnath Yadav shall be enlarged on bail in connection with C.R.No.I-802/2021 registered at Manpada 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 be released on cash bail of Rs.25,000/- for a period of six weeks in lieu of sureties. During the said period the applicant shall arrange for the sureties.

(d) The applicant shall mark his attendance to the concerned Police Station on first Monday of every trimester, between 4.00 p.m. to 6.00 p.m. , till framing of charge.

(e) 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 and should not tamper with evidence.

- (f) The Applicant shall regularly attend trial, on every date, unless exempted.
- (g) The Applicant shall furnish his residential address and contact number to the Investigating Officer and shall keep him updated of any change.

[BHARATI DANGRE, J]