

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2599 OF 2021**

Nitin Babu Hilam .. Applicant
Versus
The State of Maharashtra .. Respondent
...
P.R. Rathod for the Applicant.
S.H. Yadav, A.P.P. for the State/Respondent.
...

**CORAM: BHARATI DANGRE, J.
DATED : 29th JULY, 2022**

P.C:-

1. Heard learned counsel for the applicant and learned Public Prosecutor.
2. The applicant is charge-sheeted for the offences punishable under sections 376, 366, 354-d, 452, 307, 506 of IPC. He came to be arrested in connection with the subject C.R. on 04/03/2021 and, since then, he is languishing in the Taloja Central Prison.

On being charge-sheeted, the entire material establishing the accusation is compiled in the charge sheet.

3. The complainant is a 23 year old women pursuing her post-graduation. According to her narration in complaint, she was acquainted to the applicant through one common friend. The applicant was preparing for MPSC exam and she was also desirous of appearing for the said examination. He established contact with her on her mobile phone. One fine day, the applicant expressed his love for her and also desired to

solemnize the marriage.

4. The two established contact with each other and, at times, used to meet physically. On 7/01/2021, the applicant took her on his motorcycle to a lodge and established physical relationship with her and, the complainant allege that it was against her will. She did not narrate this incident to anyone and kept it to herself.

After some days, she became aware of registration of a similar CR against the present applicant, at the instance of some girl and she stopped meeting him. She was then subjected to threats that her objectionable pictures would be shared on Social Media, which would malign her image. The harassment to the complainant continued and the applicant is alleged to have gone to the extent of threatening her that he would commit suicide if she does not meet him. The complainant even blocked his mobile number, but he would often disturb her by presenting himself in her classes/lectures. This resulted in lodging the present complaint, wherein the applicant is arrested.

5. The applicant has placed on record certain What's up chat with the complainant, reading of which, *prima facie* reveal that the relationship shared between them was mutual. The allegation faced by the applicant is that on the pretext of marriage, sexual relationship was established. This allegation will have to be determined during the course of the trial, as whether the consent given by the complainant was free or it was coerced one.

6. The learned APP has placed on record the earlier FIR filed against the applicant in year 2014, where similar type of accusations are faced by him. However, he has been released on

bail in the said CR. and, even the victim girl was major and, therefore, his liberty was protected. I do not think that the earlier CR would be a sufficient ground to deny him his liberty, in the nature of the accusations faced by him in the present CR.

7. On completion of the investigation, the charge-sheet has been filed and the detention of the applicant, pending the trial, become unwarranted, particularly when, the trial may consume a long time as, till date, the charge has not been framed. The applicant shall, however, refrain himself from establishing any contact with the complainant and, upon such complaint being brought to the notice of the Investigating Officer, the complainant as well as the prosecution is at liberty to file application for cancellation of bail.

8. The learned counsel for the applicant made a categorical statement that on being released on bail, the applicant will continue to stay in Junnar, Pune District and barring for reporting to Rabale Police Station, he will not step into the jurisdiction of Navi Mumbai.

: ORDER :

- (a) Application is allowed.
- (b) Applicant – Nitin Babu Hiram shall be released on bail in connection with C.R.No. 74 of 2021 registered at Rabale 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 refrain from entering the jurisdiction of Rabale Mumbai Police Station, barring for marking his attendance.

(e) The applicant shall report to the Investigating Officer on every first Monday of the month between 10:00 a.m to 12:00 noon, till framing of charge.

(SMT. BHARATI DANGRE, J.)