

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3213 of 2021

Sudam Dashrathi Almul .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mrs.Anjali Patil with Mallika Sharma for the applicant.
Ms.Veera Shinde, APP for the State.
Mr.Ganesh Musle from Manpada police station.

CORAM: BHARATI DANGRE, J.
DATED : 20th OCTOBER, 2022

P.C:-

1 The applicant is facing charge in C.R.No.315/2020 u/s.376(2)(n), 406, 420, 504, 506 read with Section 34 IPC. On the complaint lodged by the prosecutrix, aged 34 years, he came to be arrested on 16/12/2020. He remain incarcerated since then and his Bail Application was rejected by the Sessions Court, Kalyan on 27/7/2021.

2 Heard learned counsel Mrs.Anjali Patil for the applicant and learned APP Ms.Shinde for the State.

3 I have perused the charge-sheet placed on record to note that the prosecutrix, who was estranged from her house and

was residing with her two children and her parents, was introduced to the present applicant in the year 2018 and he was estranged from his wife and obtained a divorce. On the proposal being received, it was accepted by the family of the complainant and it was decided to solemnize the marriage.

It is alleged that since the relationship between the two was taking shape and since it was decided between them that the marriage would be solemnized, she transferred an amount of Rs.10 lakhs into his account for the purpose of construction of a house. During the said period, physical relationship was also established and after some days, on realizing that the applicant had no intention to solemnize the marriage, she filed the complaint on 26/8/2020, narrating the events from 1/7/2018 to 31/1/2020. Prima facie, when the complaint is perused, it can be seen that it was a relationship maintained between the two adults and something went wrong, as a result of which they decided to part their ways. Though the complainant allege that her consent was not free and obtained under the pretext that the marriage was going to be solemnized, on perusal of the material compiled in the charge-sheet, prima facie, I have reached to a conclusion that the relationship was consensual in nature.

4 As regards the payment of amount which is established by the Bank entries, the learned counsel Mrs.Patil make a specific statement that the money received by the applicant was utilized for the purpose of construction of a house

in Sharadhapur, Kanchuru, Hinjid, District Ganjam, State of Orissa.

She makes a solemn statement, on instructions of the applicant, that the house which is constructed and standing in the name of the applicant exclusively, shall be transferred by him in the name of the complainant within a period of three months. He shall intimate the date on which she shall attend the Registrar's Office in Orissa for completing the necessary formalities through the Investigating Officer.

5 Subject to the aforesaid undertaking, the applicant deserve his release on bail, since the investigation is complete and the charge-sheet is already filed. Hence, the following order :-

ORDER

- (a) The Applicant – Sudam Dashrathi Almul in connection with C.R.No.315/2020 registered with Manpada Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The applicant shall be released on cash bail of Rs.25,000/- in lieu of sureties for a period of six weeks. During the said period, the applicant shall arrange for the sureties.

- (b) 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.

- (c) The Applicant shall attend the trial on regular basis.
- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.
- (e) The applicant shall thereafter transfer the house in the name of the complainant within a period of three months from his release.
- (e) The applicant shall report to the Investigating Officer on first Monday of every montht and mark his attendance till he completes the formality of transferring the house in the name of the complainant. After that, he shall report to the Investigating Officer on the first Monday of trimester during the course of the day.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)