

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

CRIMINAL BAIL APPLICATION NO. 2158 OF 2022

WITH

INTERIM APPLICATION NO. 3112 OF 2022

Sourabhsingh Goresingh Bhadoriya	...Applicant
Versus	
The State Of Maharashtra	...Respondent

....

Mr. Satyam Nimbalkar a/w Mr. Abhishek Arote a/w Mr. Vaibhav More,
a/w Mr. Sai Rajendra Kadam, Advocate for the Applicant in B.A.

None for Applicant in Interim Application.

Mr. M.G. Patil, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	14th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 18th May, 2022 in connection with C.R. No.237 of 2022 registered with Bharti Vidyapith Police Station, Dist. Pune for offence under Sections 376, 376(2)(n) and 417 of Indian Penal Code.
2. The First Information Report (for short F.I.R.) was registered on 9th April, 2022.
3. The complainant is aged around 28 years. It is alleged that she got acquainted with the applicant through online dating app on 26th December, 2021. Thereafter, they became friends. The accused represented that he is a bachelor and working in Army. They

exchanged messages. They fell in love each other. The applicant promised that he would marry her. They went to Goa. Under the pretext of marriage the complainant was subjected to physical relationship. They returned from Goa. Thereafter, they stayed at Pune. She was again subjected to physical relationship. Accused went on promising that he would marry her. Subsequently, the victim learnt that the accused is already a married person. F.I.R. was lodged. Investigation is completed and charge-sheet is filed.

4. The case of the applicant is that the relationship is of consensual nature. The complainant was aware that the applicant is married person. The applicant is in custody from the date of arrest. Further custody is not necessary.

5. Learned APP submit that the applicant had suppressed the fact that he was married person. The statements of the witnesses indicate that the applicant and the victim were representing that they are going to marry. Under the false promise of marriage the victim was subjected to physical relationship. The consent was obtained by misrepresentation.

6. From the F.I.R. and the other documents which form part of charge-sheet it is apparent that the victim and the accused were in relationship. They are visited several places and there was physical

relationship. The relationship is of consensual nature. The applicant is in custody. Investigation is over. The charge-sheet is filed. Further detention of the applicant is not warranted. Hence, bail can be granted.

ORDER

- i. Criminal Bail Application No. 2158 of 2022 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No.237 of 2022 registered with Bharti Vidyapith Police Station, Dist. Pune on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- iv. The applicant shall report concerned Police Station once in six month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- iv. The applicant shall not tamper with the evidence.
- v. The applicant shall not approach the victim and shall not threatened her in any manner.

- vi.** The applicant shall delete the photographs annexed to this application from page no. 90 onwards.
- vii.** Application stands disposed off.

(PRAKASH D. NAIK, J.)