

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3851 OF 2021**

Ravi Dinesh Kesharwani .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Ms.Anjali Patil for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

PSI Shri G.T.Shivdavkar attached to Vakola Police Station,
present.

...

CORAM: BHARATI DANGRE, J.

DATED : 17th JUNE, 2022

P.C:-

1. The applicant is charged for the offences punishable under Sections 376, 376(2)(n) and 420 of the I.P.C. in a C.R. registered with the Vakola Police Station. In connection with the said C.R., he was arrested on 25/06/2021, the day on which the complainant lodged her report alleging that the applicant had committed forcible sexual intercourse with her.

2. On completion of investigation, charge-sheet is filed, which allege that the complainant, who is a foreign national,

came to reside in India since 2015. While residing in a colony in Santacruz, Mumbai, she became acquainted with the present applicant, who was running a shop in the said locality. Since, the complainant was in need of certain assistance, being unaware of the locality, she report that the applicant helped her out. A good friendship developed between them and it is alleged that on the pretext, that he would marry the complainant, the relationship was further strengthened.

On 16/09/2020, for the first time, the complainant allege that forcible sexual intercourse was committed by the applicant, but at the same time, she state that she continued to chat with him for half and hour. Thereafter, from time to time, sexual act was repeated, resulting into her pregnancy. However, when this fact was brought to the notice of the applicant, it is alleged that he started avoiding her. She delivered a baby in July, 2021. The complainant reported the incident on 25/06/2021, resulting into arrest of the applicant.

3. Pertinent to note that on the date on which the complaint is filed, the complainant was aged 21 years and even on the date on which it is alleged that the applicant forced himself upon her, she was major.

A meaningful reading of the complaint would reveal that the two shared a cordial relationship and in respect of the forcible sexual intercourse, the complainant never preferred any complaint till the time when the applicant started ignoring her and she delivered a child in July, 2021.

The relationship between the two adults, prima facie, appears to be consensual. The investigation in the crime is complete and the charge-sheet has been filed. Though the prosecution has relied upon the antecedents of the applicant to deny his release on bail, it can be seen that the offences registered are under Sections 457, 380 of the I.P.C. registered with the Bhoiwada Police Station as well as Kalachowki Police Station. However, for the said antecedents, I do not deem it fit to incarcerate the applicant further, awaiting his trial into the accusations faced by him. As far as the apprehension of flight risk is concerned, the applicant is residing in Mumbai and the prosecution has not expressed any apprehension that he will not be available for trial. Hence the following order.

: **ORDER** :

- (a) Application is allowed.
- (b) Applicant -Ravi Dinesh Kesharwani shall be released on bail in connection with C.R.No.607 of 2021 registered with Vakola Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.
- (c) The applicant shall mark his attendance in the Vakola Police Station on first Sunday of every month till framing of charge.
- (d) The applicant shall not reside within the jurisdiction of Vakola Police Station and shall enter into the jurisdiction only for the purpose of reporting to the police station.

(e) The applicant shall not establish contact with the complainant in any manner and upon any overt act on his part, the prosecution and the complainant will be at liberty to approach this Court for revoking the bail order in his favour.

(f) 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.

(SMT. BHARATI DANGRE, J.)