

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

CRIMINAL BAIL APPLICATION NO. 62 OF 2022

Shri Ramchandra Bihari Yadav

...Applicant

vs.

Smt. Payal Vicky Giri & Anr.

...Respondents

Mr. V.V. Gangurde for Applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 22 MARCH 2022

P.C. :

By this application filed under Section 439 of Cr.P.C., the Applicant seeks bail in C.R.No.510/2021 registered with Manpada Police Station, Mumbai for offences punishable under Sections 376, 354 and 506 of IPC.

2. Heard learned Counsel for the Applicant and learned APP for the State. Perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to an FIR lodged by the prosecutrix. The prosecutrix has alleged that she is a married woman with a child. Her husband used to assault her in a drunken state and hence, she was staying separately. She was in need of money and as such, she requested her sister to find job for her. She has stated that since 20 August 2021, she started working in the house of the Applicant. The FIR

indicates that the Applicant had outraged her modesty and later the Applicant had forcible sexual relation with her. The FIR indicates that the prosecutrix continued working with the applicant even after she was molested and raped on two occasions. The medical certificate does not indicate that the prosecutrix had sustained any injury. The CFSL does not *prima facie* support the case of the prosecution. It is also stated that the chargesheet is filed and the case is pending trial before the Sessions Court, Kalyan. Considering the large pendency of cases, it will not be possible to conclude the trial in near future. Considering the above facts and circumstances, in my considered view, the Applicant is entitled to be released on bail.

4. Hence, the application is allowed on the following terms and conditions :-

(a) The Applicant who is arrested in C.R.No.510/2021 registered with Manpada Police Station, Mumbai is ordered to be released on bail in the sum of Rs.30,000/- (Rupees Thirty Thousand) with one or two sureties in the like amount.

(b) The Applicant shall not interfere with the victim or other witnesses or tamper with evidence in any manner.

(c) The Applicant shall keep the trial court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(d) The Applicant shall co-operate with the conduct of the trial and attend the trial court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)