



PMB

27.BA.1454-23.doc

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

BAIL APPLICATION NO.1454 OF 2023

SHIVAJI RAOSAHEB AHIRE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

None for the applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 1, 2023

P.C. :

- 1.** None appears for the applicant.
- 2.** This is an application for bail in respect of the offence punishable under Sections 376, 377 of the Indian Penal Code (hereafter 'IPC' for short) registered on 24.12.2022 vide C.R. No.1186 of 2022 with Powai Police Station.
- 3.** With the assistance of learned APP I have perused the materials on record. The applicant was arrested on 23.01.2023 and is now in custody for more than 10 months. The applicant and the prosecutrix were in a relationship since the year 2017. Sometime in the year 2022 the prosecutrix realised that the applicant is in relationship with

another woman. The present FIR is filed on the ground that consensual relations between them was an outcome of false promise of marriage.

4. Learned APP opposed the application for bail contending that the accusations are serious.

5. Prima facie, the relationship between the applicant the prosecutrix appears to be consensual in nature. The applicant is in custody for more than 10 months with no possibility of the trial concluding any time soon. The applicant will face the consequences of the trial if found guilty. In the facts and circumstances of the case, I am inclined to enlarge the applicant on bail as further custody of the applicant will only be by way of pre-trial punishment. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Shivaji Raosaheb Ahire in connection with C.R. No.1186 of 2022 registered with Powai Police Station shall be released on bail on his

furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Powai Police Station as and when called.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall not enter the vicinity of the area where the prosecutrix is residing or working.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

- (i) The applicant shall not threaten or influence the prosecutrix or establish any contact with her.

6. The application is disposed of.

7. The copy of this order be communicated by the I.O. to the Jail Superintendent where the applicant is currently lodged.

(M. S. KARNIK, J.)