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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1422 OF 2023

Vivek Virendra Bhardwaj

...Applicant

vs.

State of Maharashtra
[At the instance of
Mumbra Police Station)

...Respondent

Mr. Prashant Thombre – Advocate for Applicant.
Mr. H.J.Dedhia – APP for Respondent-State.
Ms.Diksha Dhakare-PI-Mumbra Police Station present.

CORAM : S. M. MODAK, J.

DATED : 30TH JUNE 2023

P.C. :

1. Heard, learned counsel for the applicant and learned APP Mr.Dedhia for the State. Investigation officer is present.
2. The applicant is prosecuted for having sexual intercourse with the first informant against her wish. The incident took place on 07/01/2023 in the afternoon at about 1.30p.m. at Mumbra-Diwa, District Thane. The applicant took the first informant to his house. The applicant had sexual intercourse with the first informant, even though she was not ready. She was dropped at Diwa Railway Station

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and after dropping her, she discussed with her brother-in-law Vikas and Sister Kalpana and then lodged the complaint with Mumbra Police Station on 26/01/2023. It was registered under Section 376, 323, 504 of IPC.

3. Learned APP opposed the bail on the ground that FIR is lodged immediately and Medical Case papers at page 52 denotes that there was sexual assault on first informant.

4. Learned advocate for applicant invited my attention to the averments in the FIR. It is true that on 07/01/2023 both of them were knowing each other. Both were working in Zep-II Online Shopping Company. They started chatting with each other since December 2022. They have developed love relationship with each other. It further mentions that they intend to marry with each other but it was opposed on behalf of relatives of the first informant. Secondly, there are Instagram Chats between both of them. They are at page no.83 on wards. My attention is invited to the message on page no.90, both were keen to perform the marriage and even applicant intends to save money for it. Therefore, there is contention

that this case is of consensual intercourse.

5. Chargesheet is already filed no further detention is required.

Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant Vivek Virendra Bhardwaj be released on bail in connection with C.R. No. 24 of 2023 registered with Mumbra Police Station for the offences punishable under Sections 376, 323, 504 IPC on furnishing personal bond and surety bond of Rs.25,000/- .
- (iii) Applicant should not tamper with the prosecution witnesses.
- (iv) Applicant is directed to attend hearing in trial Court punctually.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

5. These are my prima facie observations. Let the learned trial Court need not be influenced by them.

6. Application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]