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

BAIL APPLICATION NO. 1330 OF 2023

Krishna Sureman Chauhan

...Applicant

vs.

State of Maharashtra

...Respondent

Mr.Sandeep Mishra – Advocate for Applicant.

Mr.H.J.Dedhia – APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 18TH JULY 2023

P. C. :

1. The offence is under Sections 376(2)(n), 417, 493 of Indian Penal Code, 1860 [“IPC”] registered with Kashimira Police Station on 4th September, 2022. It is on the complaint of the victim. She is major.

2. Her parents have expired. She was taken care of by her maternal aunt. Once she got a job, she started residing separately along with her sister. The Applicant is her neighbour. They knows each other. Their friendship has turned into a love affair. There was an intercourse amongst them. Firstly, it was on 31st December, 2021 and it continued. The Applicant assured of marriage. He applied

Satish Sangar

vermilion powder on 1st September, 2022. He behaved in such a manner that the First-Informant believed about their marriage. On 2nd September, 2022, the Applicant went missing. There was no telephonic communication established. On this background, complaint was lodged.

3. The contention is about consensual relationship. Her 164 statement under the Code of Criminal Procedure, 1973 ["Cr.PC."] is recorded. It is on Page No.69 dated 13th December, 2022. The Applicant's Counsel claims that there are variances. The allegations do indicate that the Applicant established sexual relationship with the First-Informant as if they have performed a marriage.

4. Charge-sheet is filed. No chance of early trial. There is no point in detaining the applicant behind bar on such a background, Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant Krishna Sureman Chauhan be released on bail in connection with C.R. No. 771 of 2022 registered with Kashimira Police Station for the offences punishable under Sections 376(2)(n), 417, 493 of IPC, on furnishing personal bond and surety bond of Rs.25,000/-.

- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (iv) Applicant to cooperate the Police as and when called.
- (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.]