

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2311 OF 2022

Sunil Mahadev Mane ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Shambhu Jha a/w. Mr. Suraj Pandey, Advocate for Applicant.
Ms. P. N. Dabholkar, APP for Respondent-State.
PSI – R. A. Gitte, Tulinj Police Station present.
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CORAM : SHIVKUMAR DIGE, J.

DATE : 7 OCTOBER, 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 928 of 2020 registered with Tulinj Police Station for the offence punishable under Sections 306 of Indian Penal Code, 1860 (for short “IPC”).
2. It is the prosecution’s case that, Applicant under the fake pretext of marriage established sexual relation with the daughter of complainant. Applicant committed rape on the daughter of complainant. He gave false promise to daughter of complainant that he would marry with her but later on he refused to marry. When

daughter of complainant came to know about it she committed suicide by writing a letter with the whole incident.

3. It is contention of learned Counsel for the Applicant that at the time of committing suicide deceased was 19 years old. Applicant had love affair with her. Applicant was ready to marry with her but due to lockdown, he could not contact her. The deceased in her suicide note not mentioned the name of Applicant. Applicant is behind bar more than three years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. Learned APP submitted that Applicant under the false promise of marriage committed rape on daughter of first informant. Thereafter, he refused to marry with her. Hence, daughter of complainant committed suicide. In the suicide note deceased had mentioned about the Applicant. Hence, requested to reject the Application.

5. I have heard both the learned Counsel. Perused the FIR and charge-sheet. In the suicide note the name of Applicant is not mentioned. At the time of incident of suicide deceased was 19 years old and at that time Applicant was in jail in connection with the crime registered by the deceased. Applicant is behind bar more than three years. Investigation is completed and charge-sheet has been

filed. Considering the above facts, his further detention is not required.

6. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 928 of 2020 registered with Tulinj Police Station, on executing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case

on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.10.16
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