



Diksha Rane

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

BAIL APPLICATION NO.2732/2023

ROHIT SURENDRA SHAHU

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. S. S. Yadav a/w. Adv. Siddhant Sinha for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 3, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 376(2)(n) of the Indian Penal Code (hereafter 'IPC' for short) registered on 21/3/2023 vide C.R. No.I-189/2023 with Kolsewadi Police Station, Kalyan.

3. It is the case of the prosecution that the applicant and the prosecutrix are known to each other since childhood. The prosecutrix pursuant to her marriage divorced her husband and started staying with her parents. The prosecutrix was in relationship with the applicant. The

applicant had promised that he will marry her. Sometime from 2021 onwards on false promise of marriage the applicant had sexual physical relations with the prosecutrix. On 16/3/2023, when the prosecutrix inquired with the applicant as to when he is going to marry her, the applicant flatly refused. Therefore, this offence is registered.

4. Learned APP while opposing the application for bail submitted that under false promise of marriage the applicant forced the prosecutrix to indulge in such relationship.

5. *Prima facie*, on reading of the First Information Report (FIR), the relationship appears to be consensual in nature. The applicant was arrested on 21/3/2023 and is in custody for more than seven months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, any further incarceration can only be by way of a pre-trial punishment. The applicant will face the consequences post trial if the charges against

him are proved. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Rohit Surendra Shahu in connection with C.R. No.I-189/2023 registered with Kolsewadi Police Station, Kalyan, 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 Kolsewaid police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Kolsewadi Police Station, Kalyan after being released on bail, till the trial concludes.

(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 surrender his passport, if any, to the investigating officer.

(j) The applicant shall not make any attempt to contact the prosecutrix.

6. The application is disposed of.

(M. S. KARNIK, J.)