



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

BAIL APPLICATION NO. 2924 OF 2023

MURAD KASIM KHADPOLKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Niteen Pradhan a/w Adv. S.D. Khot a/w Adv. Danish Patel for the Applicant.

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

PI Sadashiv Sawant, Kandivali Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 23, 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, 376(2)(n), 504, 506 of the Indian Penal Code registered on 15/04/2023 vide C.R. No.237 of 2023 with Kandivali Police Station, Mumbai.
- 3.** The applicant was arrested on 15/04/2023. The prosecutrix alleged that she and the applicant were working in the same firm. Their friendship turned into a love relationship. However, the applicant was married. It is

alleged that the applicant promised the victim that the applicant would divorce his wife and marry the victim. On the false promise of marriage the applicant committed acts which are punishable under the aforesaid sections. During the period from 25/04/2022 till the date of lodging of the First Information Report i.e. almost for a period of 1 year, the applicant and the victim were in a consensual physical relationship. According to the victim, that was on account of the applicant's promise to marry her which was false. It is the case of the prosecutrix that she became pregnant. At the insistence of the applicant she had to undergo an abortion.

4. Learned APP opposed the application.

5. *Prima facie*, the relationship appears to be consensual in nature. In the facts and circumstances of the present case, whether the physical relations between the parties was on account of false promise to marry to the victim by the applicant will be decided during trial on the basis of the evidence adduced. The applicant will face the consequences post-trial if found guilty. There are no criminal antecedents

reported against the applicant. The investigation is complete and the charge-sheet has been filed. Further detention of the applicant in custody will only be by way of a pre-trial punishment. There is nothing on record to indicate that the applicant will evade the trial as the applicant has roots in Navi Mumbai. The trial is likely to take a long time to conclude. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Murad Kasim Khadpolkar in connection with C.R. No. 237 of 2023 registered with Kandivali Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) 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.
- (e) 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.

(f) The applicant shall not enter the area of Borivali police station and the area of the police station where the victim is working, after being released on bail, till the trial concludes.

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

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) The applicant shall not leave India without prior permission of the trial Court.

(j) The applicant shall not establish any contact or try to threaten the victim. In case, it is reported that the applicant is in any manner trying to contact the victim or threaten her, the same shall be viewed seriously.

6. The application is disposed of.

(M. S. KARNIK, J.)