

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

BAIL APPLICATION NO. 3489 OF 2022

Gajendra Indrabali Yadav ..Applicant
VS.
The State of Maharashtra ..Respondent

Smt. Anjali Patil for the Applicant.
Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 1, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant-Gajendra Indrabali Yadav in connection with C.R. No.80 of 2022 dated 17/04/2022, registered with Badlapur Police Station, under sections 376, 504 and 506 of the Indian Penal Code, 1860.
- 3.** The First Information Report ("FIR", for short) was registered on 17/04/2022. Reading of the FIR indicates that the prosecutrix and the applicant were in a relationship since the year 2005. Their relationship allegedly continued

till 2012. It is submitted that the applicant was harassing the prosecutrix. The children of the prosecutrix who were grown up by then came to know about their relationship sometime in the year 2019. On record is one N.C.R No. 476 of 2022 registered with the Badlapur Police Station, a day prior to the lodging of the present FIR. The prosecutrix by way of N.C.R. has complained that the relations with the applicant were cordial but later, on account of some dispute regarding monetary transactions, their relations soured.

4. Considering the nature of the accusations and the relationship between the applicant and the prosecutrix, *prima facie* appears to be consensual in nature. Learned counsel for the applicant, on instructions, submits that the applicant is willing to stay outside the jurisdiction of the Badlapur Police Station till the trial is over. The statement is accepted.

5. The applicant was arrested on 18/04/2022. The investigation is complete and the charge-sheet has been filed. There are some criminal antecedents reported against the applicant. However, considering the nature of the accusations in the present case, the criminal antecedents,

in my opinion, are not such to deprive the applicant the facility of bail. Even the charge so far has not been framed. Considering the delay in registering the FIR and also considering the existence of dispute of a monetary nature between the parties, the applicant can be enlarged on bail. Hence, the following order.

ORDER

- (a)** Applicant- Gajendra Indrabali Yadav in connection with C.R. No.80 of 2022, registered with Badlapur Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- (b)** 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;
- (c)** The applicant shall report to the concerned police station once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m.;
- (d)** 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;

(e) The applicant shall not enter the jurisdiction of the Badlapur Police Station except for the purpose of attending the Investigating Officer;

(f) The applicant shall not make any contact with the complainant.

6. The application is disposed of.

(M. S. KARNIK, J.)