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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3770 OF 2022**

Luv Kush Ramji Yadav ...Applicant
vs.
State of Maharashtra ...Respondent

Mr. Ghanshyam Upadhyaya with Mr. Vijay Jha i/b Law Juris for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 1ST AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The affidavit sworn by the Applicant-accused from jail is taken on record and marked as Annexure "X". If released on bail, the Applicant has shown his readiness to marry the first informant. She is present in the Court. The first informant is major, aged about 26 years. There was promise to marry the first informant by the Applicant. They were knowing each other as the Applicant was taking education in the college, in which the sister of first informant was also studying. Out of love relationship, the Applicant has proposed her to marry. The Applicant had sexual intercourse with

the first informant five years back. He has also put vermilion, as if he had married her. Even, the Applicant has filled in certain forms by going to Bandra Court, as if their marriage is performed. Later on, when the first informant visited his house, the Applicant gave evasive reply,. There was quarrel and the Applicant has denied about marriage, that's why FIR came to be lodged at the Kashimira police station on 28th June 2022, under Sections 323, 376, 376(2) (n), 417, 493 of IPC. (page 25)

3. It is true that the Bail Application of the present Applicant came to be rejected on more than one occasion by the Sessions Court, Thane. It is also true that the first informant has filed affidavit thereby giving no objection before the Sessions Court. It is also true that on one occasion, she has given statement to the police mentioning that the affidavit was given as assurance was given to perform marriage.

4. Now, on the basis of affidavit filed today, it can safely be said that the Applicant desires of marrying the first informant despite all these incidents. The Applicant deserves to be released on bail. Hence, the order :-

O R D E R

- (i) Bail application is allowed.
 - (ii) Applicant–Luv Kush Ramji Yadav arrested in connection with C.R. No.431 of 2022, registered with Kashimira Police Station for the offence punishable under Sections 323, 376, 376(2)(n), 417, 493 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/- each.
 - (iii) Applicant is directed to give attendance to the Kashimira Police Station on 5th August 2023 and 12th August 2023, from 10.00 a.m. to 12.00 noon and thereafter as and when called by police.
 - (iv) Applicant shall not threaten the prosecution witnesses.
 - (v) Needless to say, violating of the condition above will make the Applicants liable for cancellation of bail after notice.
5. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
6. Applications are disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]