

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2211 of 2022

Shreedhar Vithal Warghade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr P.R.Rathod, for the Applicant.

Mr. Ajay Patil, APP, for the Respondent-State.

CORAM: Dr. Neela Gokhale, J.

DATED: 25th January 2024

PC:-

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with the C.R.No.13 of 2022 registered with Bhiwandi Police Station, for the alleged offences punishable under Sections 376(2), 376(2)(f), 376(2)(n), 417 of the Indian Penal Code, 1860.
3. The case of the prosecution is that the Complainant/victim resides at Nimbavali and is a distant relative of the Applicant. They connected with each other on social media, especially through whatsapp chats.

4. The statement of the Complainant indicates that she was working as a beautician after having completed a beauty parlour course. The Applicant introduced himself as 'Raj Patil' residing at Titwala, Kalyan. The Applicant and the Complainant interacted with each other on 'whatsapp'. He had requested her to lend him some money as he was in financial difficulty. She had given Rs.3,08,000/- to the Applicant from time to time by withdrawing the same through ATM. During this period, the Applicant has established sexual relationship with the Complainant on an assurance of marriage. On 13th January 2022, they made a plan to elope and accordingly, both the Applicant and the Complainant left their respective houses and went to reside with a cousin sister of the Applicant at Virar. They spent some money brought by the Complainant for the purpose of purchasing some utensils and other household articles. Thereafter, her relatives learnt about their relationship and came to the cousin's room on 15th January 2022 and informed the Complainant that the Applicant had married thrice earlier and had also duped other girls on the same pretext. She, thus, returned with her parents and filed the FIR.

5. Learned counsel for the Applicant submits that the relations, if any, between the parties were consensual in nature. Admittedly, both the Complainant and the Applicant were adults when their relationship commenced. Whether their relationship was consensual or not or whether there was a breach of promise to marry given by the Applicant to the Complainant or whether the Complainant was induced by the Applicant to withdraw the amount from the bank account of her father are matters which will be decided by the trial Court during the trial.

6. Investigation is complete and the charge-sheet is filed.
7. Considering the aforesaid facts and also the fact that the Applicant is in custody since 21st January 2022, I deem it a fit case to enlarge the Applicant on following terms and conditions:

ORDER

- I. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.
- II. The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing.
- III. The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case.
- IV. The Applicant shall co-operate in the conduct of the trial.
- V. The Applicant shall not enter Bhiwandi Taluka till such time as the statement of the Complainant is not recorded before the trial Court.

9. The Application is allowed and disposed of in above terms.
10. All concerned to act on an authenticated copy of this order.

(Dr. Neela Gokhale, J)