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

BAIL APPLICATION NO.4052 OF 2023

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Suraj Lallan Patel

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Abdul Raheem Bukhari for the applicant.

Mr. B.V. Holambe Patil, APP for the respondent – State.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2024

P.C.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 for offences under Section 376 of the Indian Penal Code arising out of C.R. No.372 of 2022 registered with Narpoli Police Station.

2. According to the prosecution, the victim being 24 years old girl got acquainted with the applicant who was working in the same company near her place of residence. The applicant, in the month of June 2021, expressed his love towards victim and asked her about marriage. On victim having been told to the applicant to contact her parents, the applicant assured her that he will contact victim's parents for marriage. Thereupon the applicant took the victim to a lodge in November 2021 in Purna Village and had

forcible sexual intercourse by enticing her about marriage. It is alleged that similar incidents were repeated till May 2022, resulting in victim becoming pregnant. After 32 weeks, she informed the applicant about the same. However, his refusal to marry her lead to filing of first information report.

3. The applicant was arrested on 5 August 2022. The applicant, therefore, filed an application seeking bail with the Sessions Court. The Sessions Judge rejected the application on 18 November 2022.

4. On prima facie perusal of the material on record, it appears that the victim was 24 years old on the date of offense. There are repeated instances of intercourse at lodge. The allegation of promise of marriage with intention of cheating needs to be established during trial. It prima facie appears that the victim was in relationship with the applicant for period of almost one year. Whether such relationship was based on suppression of fact that the application was already married also needs to be considered during trial. The charge-sheet is already filed and investigation is complete.

5. Considering the period undergone and considering the nature of material and allegations against the applicant, in my opinion, the applicant has made out a case for having been released on bail, subject to following conditions. Hence, following order.

- a) The bail application is allowed;
- b) The Applicant, Suraj Lallan Patel, be released on bail in C.R. No.372 of 2022 registered with Narpoli Police Station

for offences under Section 376 of the Indian Penal Code on furnishing P.R. bond in the sum of Rs.10,000/- along with one or two sureties in the like amount;

c) The applicant shall appear before the Sessions Judge on each and every date unless specifically exempted by the Court;

d) The applicant shall inform his place of residence and cell number to the Investigating Officer and shall attend the concerned police station once in six months, i.e., on Monday in the first week of January and June months of every year till the trial is complete;

e) The applicant shall neither contact the victim nor shall influence the witnesses;

6. The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)