IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2859 OF 2024

Deepak Krushna Ghadigoankar ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Amit A. Mane for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. K. K. Tambe, API, Mumbra Police Station, Thane.

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CORAM: MANISH PITALE, J.
DATE : 19th AUGUST 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is arrested on 1st April 2024 in connection with FIR No. 1130 of 2024 dated 1st April 2024 registered at Mumbra Police Station, Dist. Thane, for offences under Section 376(2)(n) and 417 of the Indian Penal Code, 1860 (IPC).

3. According to the informant, who is a 22 years old woman, she received calls on her mobile from mobile number of the applicant, who spoke to her on phone. He pursued the informant and took her to a house, claiming that it belonged to one of his cousins, where he allegedly had forcible physical relationship with the informant. It is further alleged that the applicant promised that he would marry the informant and in that light, physical

relationship developed between them. Later, the informant was found to be pregnant and eventually, she has given birth to a child.

4. The learned counsel for the applicant submits that the informant and the applicant were in a relationship. The applicant at the relevant time was only about 19 years old. Attention of this Court is invited to the history recorded during the medico-legal examination of the informant, after registration of the FIR. It is submitted that existence of the relationship is conceded and considering the fact that the applicant is only about 19 years old person, this Court may allow the present application. It is brought to the notice of this Court that charge-sheet is already filed and the applicant is ready to abide by all conditions that may be imposed by this Court.

5. On the other hand, the learned APP submits that the statement of the informant, leading to registration of the FIR, is very clear. The applicant lured the informant into physical relationship on a false promise of marriage. The informant became pregnant and she has given birth to a child. The DNA test report is awaited.

6. The tenor of the statement of the informant, leading to registration of the FIR, shows that the applicant and the informant were in touch with each other. Although, allegation of false promise of marriage is indeed made in her statement, it is to be noted that the informant is 22 years old, while the applicant is

younger to her by 3 years i.e. he is aged about 19 years. The false promise of marriage has to be appreciated in that context.

7. Apart from this, the history recorded by the concerned Doctor, during the medico-legal examination of the informant on 1st April 2024, reveals that it is specifically stated that the informant was in a relationship with the applicant for about 9 to 10 months and that after becoming friends, they fell in love, during which period the applicant allegedly gave promise of marriage and there was unprotected sexual intercourse between them. The contents of the said history recorded during the medico-legal examination is relevant.

8. It does support the contention raised on behalf of the applicant that the informant and the applicant were in a relationship.

9. The investigation was completed and charge-sheet was filed on 14th May 2024. It appears that about 20 witnesses would be examined during the course of trial, thereby indicating that the trial may take substantial period of time as the charge is yet to be framed.

10. The applicant does not have any criminal antecedents and considering the fact that he is about 19 years old, this Court is inclined to show indulgence by granting bail, upon imposing appropriate conditions.

11. Hence, the application is allowed in the following terms:

(a) The applicant shall be released on bail in connection with FIR No. 1130 of 2024 dated 1st April 2024 registered at Mumbra Police Station, Dist. Thane, on furnishing P.R. Bond of ₹50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall report to Mumbra Police Station, Thane, on first Monday of each month between 10:00 a.m. and 12:00 noon, during the pendency of the trial.

(c) The applicant shall attend the trial Court on each and every date, unless specifically exempted by the trial Court.

(d) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.

(e) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

12. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be

cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application is disposed of.

MANISH PITALE, J.

BIPIN DHARMENDER PRITHIANI
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