

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

BAIL APPLICATION NO. 4098 OF 2024

Ravikumar Baleshwar Gupta

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Abhishek Kulkarni, for Applicant.
- Mr. Prasanna P. Malshe, APP for Respondent No.1.
- Mr. Sagar Wakade, for Respondent No.2.
- Mr. Valmik Patil, Police Inspector, Malwani Police Station.

CORAM : MANISH PITALE, J.

DATE : 21st NOVEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State, as also the learned counsel having instructions to appear on behalf of respondent No.2 i.e. the informant.

2. At the outset, the learned counsel appearing for the informant tendered affidavits of the victim as well as the first informant, stating that they have no objection to the present bail application being allowed.

3. If the present case was a case of young boy and a young girl on the verge of attaining majority being in a relationship and such a relationship leading to registration of the FIR, it would have been a different matter. But, the material on record reveals that while the victim in the present case was aged about 17 years and 7 months, the applicant at the relevant time was aged

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS
MALANI
Date: 2024.11.22
10:50:22 +0530

about 34 years. It is revealed that the applicant was a married man when he entered into relationship with the victim.

4. Although it is fervently argued on behalf of the applicant that this being a case of consensual relationship, as is revealed by the statement given by the victim, this Court finds that at the relevant time the applicant was a married man, almost twice the age of the victim and he *prima facie* appears to have entered into the relationship with her, knowing full well about his marital status.

5. The statement of the victim recorded under Section 164 of the Cr.P.C. shows that after the applicant took her away from Borivali Station and reached Gurugram in Haryana, she realized that the applicant was already a married man and that his wife was residing at Delhi. It is further stated that thereafter the applicant performed “marriage” with the victim in a temple and he had repeated physical relationship with the victim till the police found about the whereabouts of the victim upon the FIR being registered at the behest of the mother of the victim.

6. Considering the facts of the present case, merely because the victim and her mother have tendered affidavits, which are taken on record, cannot be a ground for holding in favour of the applicant.

7. The documents show that the prosecution intends to examine only 13 witnesses in the present case. In practical terms, it is observed that even fewer witnesses are examined, thereby indicating that the trial itself can be completed at the earliest.

8. In view of the above, the application is dismissed. However, the concerned Trial Court is directed to expedite the trial proceedings and to complete the trial at the earliest and in any case, within one year from today.

9. If for any reason, the trial is not completed within the stipulated period of time and the delay is not attributable to the applicant, liberty is reserved for him to renew his prayer for bail.

(MANISH PITALE, J.)