

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4302 OF 2024

Rahul Kashiram Kamble

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Rakesh R. Bhatkar, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent No.1 – State.
- Mr. Saurish Shetye, Advocate for Respondent No.2 appointed through Legal Aid.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025.

P.C.:

1. Heard Mr. Bhatkar, learned Advocate for Applicant; Mr. Dedhia, learned APP for Respondent No.1 – State and Mr. Shetye, Advocate for Respondent No.2 appointed through Legal Aid.

2. In the present case, Applicant is a Doctor and the prosecutrix is also an adult woman. The fulcrum of the prosecution case is based upon the First Informant's complaint where he has stated that Applicant had promised to marry her and thereafter resiled from his promise. Indictment of Applicant is under Section 376 of the Indian Penal Code, 1860 and other allied provisions.

3. Mr. Bhatkar, learned Advocate for Applicant would persuade the Court to distinguish the said alleged "promise" in the facts of the

present case.

4. Mr. Shetye has also briefed the Court on the essence of “promise to marriage” qua the facts in the present case. *Prima facie*, it is seen that Applicant and the prosecutrix were known to each other for a period of almost one year during the year 2022 and upto March 2023 when the first incident is alleged to have happened between the parties. Thereafter there have been multiple incidents right upto July 2024 after which the First Information Report (FIR) came to be filed.

5. Considering the above situation, present Application shall be heard and decided on the next adjourned date which shall be noted by the prosecution.

6. List the Bail Application on Board on 15th April, 2025 at 02:30 p.m.

[MILIND N. JADHAV, J.]

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by AJAY
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