

Laxmi Sontakke
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5110 OF 2024

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Vivekanand Vijay Ingale

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

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- Mr. Chittesh Dalmia, Advocate for Applicant.
- Ms. Shilpa K. Gajare-Dhumal, APP for the State.
- Mr. Ayush Singh, Archishmati Chandramore and Sarthak B. for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P.C.:

1. Heard Mr. Dalmia, learned Advocate for Applicant, Ms. Gajare-Dhumal, learned APP for Respondent and Mr. Singh for Respondent No.2.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No. 514 of 2024 for the offence punishable under Sections 323, 324, 376(2)(n), 504, 506 of the Indian Penal Code, 1860 (for short "IPC") registered with Malwani Police Station.

3. Age of Applicant was 26 years whereas age of the prosecutrix-Respondent No.2 31 years at the time of incident/s. FIR is appended at page No. 34 of the present application. It is prima facie seen as per the statement of Prosecutrix as also argued by learned

Advocate appearing for Respondent No.2-Prosecutrix that she was having a consensual relationship with Applicant for several years. That apart, it is admittedly come on record in her own statements that between July 2023 and 1st April 2024 they were admittedly in a love relationship with each other and they decided to get married to each other and also developed family ties and relations. It is also admitted by Prosecutrix in her statement that both parties used to visit each other's house, go on trips to Goa, Pune and other places along with their friends, family and roommates. There is substantial material placed on record to justify the aforesaid acknowledgment in the form of photographs as also whatsapp chats between parties which corroborate the said acknowledgment.

4. It appears from record that proposal of marriage was called off on 31st December 2023 due to reasons stated/as alleged. *Prima facie* it appears that this a case of relationship gone sour between the parties, pursuant to which FIR is filed. Applicant is a resident of Kandivali, Mumbai and he also incidentally a student who pursuing his Master of Arts in Mass Media from Mumbai University and simultaneously working part time in Mass Media and Drama Portfolios. He has no antecedents. He is a resident of Kandivali (West) along with his parents. In so far as Prosecutrix is concerned, she is an actress who has acted in Marathi films and T.V. serials.

5. Though learned Advocate for Prosecutrix would persuade me to consider that because of the present case she has shifted temporarily to Nagpur to be with her parents and family but she intends to come back and work in Mumbai and therefore he would persuade the Court to pass appropriate directions to insulate the Prosecutrix from any prospective approach by the Applicant. That request of the learned Advocate for the Prosecutrix can undoubtedly be considered by the Court and appropriate directions to that effect can be passed.

6. On the basis of the aforesaid *prima facie* material emanating from the record, Applicant is directed to be released on bail on the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000 /- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his

release from jail to the concerned Police Station and also to the trial Court;

(iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) Applicant shall attend the trial Court on first Saturday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Saturday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not make any attempts to contact and or re-associate with the prosecutrix in any manner either through an electronic device or in-person;

(viii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(ix) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; and

(x) In case of any infraction of the above conditions and/or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

7. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

8. Bail Application is allowed and disposed.