

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1877 OF 2025

Somnath Eknath More

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

.....

- Mr. Prasanna Kishor Shahane, Advocate for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent No.1

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 06, 2025

P.C.:

1. Heard Mr. Shahane, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent.

2. Applicant in the present case is 25 years old. He is accused of having illicit relationship with the victim namely prosecutrix who is 31 years old and his sister-in-law. The First Information Report (for short '**FIR**') dated 15.06.2024 is appended at page No.16 of the present Application.

3. Mr. Shahane has drawn my attention to page No.117 of the Application which is the statement recorded under Section 164 of the Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') of the Respondent No.2 – prosecutrix. On reading the said statement it is *prima facie* seen that prosecutrix has herself admitted to have had physical relationship with the Applicant for the past 2 years prior to

filing of FIR and having known Applicant for more than 5 years.

4. The inherent absurdity and infirmity in the statement recorded under Section 164 of the Cr.P.C. *qua* the statement recorded in the FIR, nine days prior to recording of the Section 164 of the Cr.P.C. is noticed by the Court.

5. *Prima facie* case has been made out by Applicant for grant of bail.

6. Hence, issue notice to Respondents. Humdast permitted.

7. Learned APP appears in the present matter and waives service on behalf of Respondent No.1.

8. Applicant is arrested on 15.06.2024 and is in incarceration for the past 10 months and 21 days.

9. Advocate for Applicant is directed to serve copy of Bail Application on the concerned Investigating Officer directly.

10. Investigating Officer is directed by this Court to depute a responsible lady Police Officer to serve copy of this order and Bail Application on Respondent No.2 and / or legal guardian and obtain her consent as to whether she requires legal representation through legal aid. The consent of Respondent No.2 shall be apprised to the Court on the next adjourned date through the learned APP. Let the aforesaid exercise be carried out within a period of one week from

today.

11. Liberty to Applicant to move the Vacation Court,
immediately thereafter.

12. Stand over to 14th July, 2025.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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