

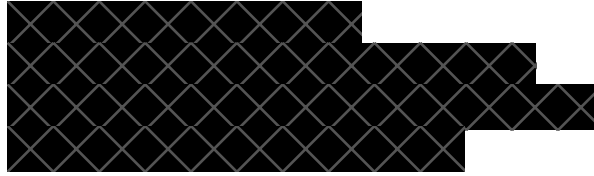


**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

CRIMINAL BAIL APPLICATION NO. 1118 OF 2021

IN

(C.R. No. 588 of 2021 of Vile Parle Police Station)



..Applicant

Vs

**The State of Maharashtra
(through Vile Parle Police Station)**

..Respondents

Ld. Adv. Rupesh Maurya, for the applicant.
Ld. APP Sachin Jadhav, for the State/respondent.
Ld. Adv. Suraj Chauhan, for the intervener.

**CORAM : SHRI S. U. BAGHELE,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO. 09.**

DATE : 25th August, 2021

ORAL ORDER

This is an application for releasing the applicant on bail, in respect of C. R. No. 588 of 2021, registered with Vile Parle Police Station, for the offences punishable under sections 376 and 313 of the Indian Penal Code.

2 Perused the application, the say filed thereon and the documents relied upon in support thereof.

3 Heard the learned counsel for the applicant, the intervener and the learned APP for the State.

4 It is submitted by the learned counsel for the applicant that the informant gave no objection for bail, by filing an affidavit. She refused her medical examination, also. The applicant as well as the informant were married persons, prior to their sexual relationship. Per contra, it is submitted by the learned APP that the applicant and the informant resided together, after the promise of marriage. Abortion was also done. The informant is being pressurized. Investigation is in progress and the statement of the informant under section 164 of the Code of Criminal Procedure is yet to be recorded. The Investigating Officer further added that the release of the applicant on bail before the completion of investigation is likely to affect the case.

5 As per the FIR, the applicant promised to marry the informant. Thereafter, they started residing together in a rented room from November, 2018 to May, 2020 and had sexual relationship. The informant was required to get her foetus aborted twice. The applicant is said to have ended the relationship and disclosed that he got married to some other girl.

6 Irrespective of the “ no objection ” given by the informant in her own affidavit, the factual matrix unveiled in the FIR ipso-facto reveals that the relationship was consensual, for the simple reason that

the informant started residing with the applicant continuously, even without getting married to him. The said live-in-relationship, by itself is sufficient to show that the sexual relationship was consensual, due to which, the applicant is entitled to be enlarged on bail, de hors the “ no objection ” given by the informant, notwithstanding whether it is voluntarily or otherwise. Thus, I proceed to pass the following order :

ORDER

- 1) The application for releasing the applicant on bail is hereby allowed, and it is hereby directed that the applicant **Sachin Suresh Bidlan**, be released on bail, in connection with C. R. No. 588 of 2021, registered with Vile Parle Police Station, for the offences punishable under sections 376 and 313 of the Indian Penal Code, on his executing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand Only), with one or more surety/sureties in the like amount, on the conditions that the applicant shall not tamper with the prosecution witnesses in any manner.
- 2) The bail before the learned Judicial Magistrate.
- 3) It is hereby directed that the applicant be enlarged on cash bail to the tune of the amount of surety for a period of two months.
- 4) Criminal Bail Application No. 1118 of 2021 is hereby disposed of accordingly.

Sd/-

(S. U. BAGHELE)

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dt. 25/08/2021

Dictated on : 25/08/2021
Transcribed on : 25/08/2021
Signed on : 25/08/2021

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
25/08/2021 at 5.34 p.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Shri S. U. Baghele, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai (C.R.No. 09)
Date of Pronouncement of JUDGEMENT/ORDER	25/08/2021
JUDGEMENT/ORDER signed by P.O. on	25/08/2021
JUDGEMENT/ORDER uploaded on	25/08/2021