

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.500 OF 2015

Rajendra Ladubhai Soni	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

WITH
CRIMINAL APPLICATION NO.230 OF 2015
IN
CRIMINAL BAIL APPLICATION NO.500 OF 2015

Jayshree Doulatram Kawle	...	Intervener
--------------------------	-----	------------

IN THE MATTER BETWEEN

Rajendra Ladubhai Soni	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Shirish Gupte, Senior Counsel, i/b Mr.PM.Patil, for the Applicant.
Ms.A.T.Javeri, APP for the Respondent – State.
Mr.Ganesh K. Gole, for the Intervenor.

CORAM : REVATI MOHITE DERE, J.
DATED : 11th MARCH, 2015.

PC.

1. Heard learned senior counsel for the applicant, learned APP for the Respondent – State and learned counsel for the original complainant.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.100 of 2015 registered with the Bandra Police Station, Mumbai for the alleged offences punishable under Sections 376, 420, 506 of the Indian Penal Code.

3. The complainant, is a divorcee aged 45 years of age residing with her daughter, aged 15 years at Bandra. It is alleged that the applicant and the complainant's father were known to each other. It is stated by the complainant that she met the applicant for the first time, sometime in November – December, 2012. Thereafter, their acquaintance developed into a friendship and friendship into a love affair. It is alleged that the applicant and the complainant starting meeting each other very often and had physical relations. The applicant and the complainant are stated to have gone to Kashmir, where they had sexual relations. According to the complainant, the applicant had suggested to the complainant, that she should start a monthly scheme (Bhisi) of Rs.72 lacs and that she should pay Rs.3 lacs per month for the same. On the request of the applicant, the complainant is stated to have given 8 post-dated cheques to the applicant, for the same. According to the complainant, the applicant had not disclosed to her, that he was a married man and as such had cheated and

sexually exploited her by promising her marriage.

4. Mr.Gupte, learned senior counsel for the applicant contended that the complainant was throughout aware of the fact, that the applicant was a married man and that the relations between the two were by consent. He submitted that only after the applicant's wife initiated 138 proceedings as against the complainant, as a counter blast, the present case has been filed. He relied on certain photographs to show the presence of the complainant along with the applicant and his wife.

5. It appears that the applicant and the complainant were known to each other for a sufficiently long period. It also appears that they were certain transactions between them. Whether the physical relations between the parties was a result of misrepresentation made by the applicant to the complainant, is a matter which will be decided by the trial Court. Considering the peculiar facts of the case, the Applicant deserves to be enlarged on bail, on the following terms and conditions ;

ORDER

- i) The Applicant be initially released on cash bail in the sum of Rs.25,000/- for a period of four weeks. The Applicant shall thereafter furnish P.R. Bond

of Rs.25,000/- with one or two sureties in the like amount, within a period of four weeks, after his release from jail, in the Trial Court ;

- ii) The Applicant shall not tamper or attempt to influence any person concerned with the case ;

6. The Application is allowed and disposed of in above terms.

7. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. Parties to act upon an authenticated copy of this order.

9. In view of the order passed in Criminal Bail Application No.500 of 2015, nothing survives for consideration in Criminal Application No.230 of 2015. The same is accordingly disposed of.

(REVATI MOHITE DERE, J.)