

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 455 OF 2015

Bijaya Kumar Sahoo

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Niranjan Mundargi a/w Mr. G. Mohanty & Mr. Srikant Padhi i/b M/s
Mohanty & Associates for Applicant
Ms. Rutuja Ambekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 17th JUNE 2015

PC :

1) Heard learned counsel for the applicant and learned APP. Complainant had filed Vakalatnama of Advocate Shri. Ranjit Singh, however, except Vakalatnama, there is no application for intervention nor any affidavit. In any case, this is an application under section 438 of Code of Criminal Procedure, 1973.

2) Perused the papers of investigation. Applicant herein is apprehending his arrest in crime no. 285 of 2014 registered at Meghwadi Police Station for offence punishable under sections 376, 406, 323, 506 and 504 of Indian Penal Code and section 66 (A) of Information Technology Amendment Act, 2005.

3) It is the case of prosecution that on 03/10/2014, complainant lodged a report alleging therein that in the year 2007, she was married to Gaurav Bhattacharya. In the year 2012, couple had taken divorce by mutual consent. In November 2012, she had posted her profile on 'Shaadi.com.' Present applicant had responded to the said profile and had given his identity as unmarried army officer. They had contacted each other. She had met the applicant in December 2012 at Delhi. Applicant is alleged to have inspired confidence in her. They had been to native village of the applicant. They had returned to Mumbai for searching job for the complainant. They resided together in Mumbai. According to her, applicant had taken her golden ornaments worth Rs. 6,00,000/-. When she enquired with him about the ornaments, applicant is alleged to have given evasive answers and had returned to Jabalpur to attend his job. He had visited her on many occasions. According to her, he had sexual relations by coercing her. He had informed her that he is married, however, his wife had deserted him and therefore, he is going to divorce her. Complainant had tried to break off the relations with him, however, they continued to have relations. According to her, he had posted her obscene photos on e-mail. On the basis of her report, crime no. 285

of 2014 was registered at Meghwadi Polie Station.

4) Applicant herein had apprehended arrest and was protected by interim orders. Learned counsel for the applicant has placed on record the statement of accounts which shows that complainant had used debit card of applicant. Huge amounts were deposited by applicant in her account as well as in the account of her father. She had also used his A.T.M. card. Learned counsel for the applicant has also placed on record the messages and e-mails exchanged between the parties which clearly indicates that they had consensual sex and that they were in love with each other. E-mail dated 07/10/2014 sent by the friend of complainant to the present applicant clearly indicates that complainant was having committed conjugal relationship with the applicant since two years. Complainant had met with an accident and she had directed her friend to inform the same to the applicant. They had also posted some documents on his office address and had requested him to collect the same. Papers of investigation further show that applicant had sent a notarized statement to the Investigating Officer on 09/03/2015 wherein he has given the details of the payments made to the complainant on several occasions. He had also referred to the e-mail sent by her friend.

5) On perusal of papers of investigation and after hearing the submissions of learned counsel for the applicant, this Court is of the opinion that applicant herein has made out a prima facie case for pre-arrest bail.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- and one or two solvent sureties in the like amount.
- (iii) Applicant shall report to the police station as and when called.
- (iv) Investigating officer is directed to give at least one week's notice to the applicant, in the eventuality that he desires to record his statement on a particular day.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)