

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1864 OF 2015**

Ravindra Singh Malhotra

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Shailendra Mishra, i/b Mr.Sharad Pai, for the Applicant

Mr.Y.M.Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 28th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.I-76 of 2015, registered with the Nayanagar Police Station, Thane, for the alleged offences punishable under Sections 363, 376, 465, 468, 471 of the Indian Penal Code and under Section 3 of Protection of Children from Sexual Offences Act.

3. According to the complainant, she met the present applicant through a social networking site i.e. Facebook, pursuant to which they got acquainted with each other and exchanged their mobile numbers. This was sometime in August, 2013. It is alleged that thereafter, they were in touch on their mobiles. It is alleged that in the first week of October, 2013 when the complainant returned back to Mumbai from Assam for work, she started staying as a Paying Guest in a flat at Malad (West) for two months and during this time she met the applicant and the co-accused - Shweta Singh. She has stated that both the applicant and Shweta Singh started keeping in touch with her and they started meeting each other regularly. She has stated that the applicant expressed his love for her and proposed for marriage. She has stated that thereafter they kept on meeting each other. According to her, in October, 2013 the applicant took her to Shweta Singh's house, where she and the applicant sat in the bedroom of Shweta Singh talking with each other and it is during this time, that the applicant is alleged to have asked her for sexual relations as he was going to marry her. Pursuant thereto they had physical relations. She has stated that inspite of her protest on several occasions, the applicant would take her to Shweta Singh's residence and have physical relations with her against her wish.

According to the complainant, the applicant had introduced her to his family and vice versa and they were all in touch with one another. The complainant has stated that she on the assurance and promise that the applicant will marry her, had relations with her. In November, 2014 the complainant got pregnant and the said pregnancy was terminated at a hospital at Mira Road at the behest of the applicant. She has stated that they had given a false identity in the hospital and the applicant had signed on the form in the said hospital. According to her, the applicant had also taken some money from her from time to time, for his business related work. It is stated that after May, 2015 the applicant started ignoring her calls and thereafter even blocked her number. She has stated that the applicant on the assurance and promise that he will marry her had relations with her and had even got the child aborted.

4. Learned Counsel for the applicant contended that at the relevant time, both, the complainant and the Applicant were major, and that the physical relations, if any were consensual. He submitted that the applicant has been in custody since the date of his arrest i.e. 23rd August, 2015 and charge-sheet in the said case will be filed shortly.

5. Learned APP opposed the bail application. He submitted that considering the nature of allegations which are serious, the applicant does not deserve to be enlarged on bail.

6. Perused the papers. It appears that the applicant and the complainant were known to each other from March 2013. It appears that the investigation is almost complete and charge-sheet is likely to be filed soon. The applicant has been in custody since the date of his arrest.

7. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., for a period of 12 months, from the date of filing of the charge-sheet ;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the

case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate in the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.