

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 662 OF 2016**

Sagar Ramakant Joshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mrs. Mallika Ingale I/b Mr. B. L. Jagtap for the Applicant

Mr. H. J. Dediya, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 28TH JUNE, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-367 of 2015 registered with the Kasturba Marg Police Station, Borivali (East), Mumbai, for the alleged offences punishable under Sections 328, 376, 385, 406, 376 and 506(ii) of the Indian Penal Code.

3. The prosecutrix was working with the applicant's company since 2009. According to the prosecutrix, as the applicant was

blackmailing, threatening her and as he had committed sexual and mental harassment, she had resigned from the applicant's company. She has alleged that the applicant had forced her to have sexual intercourse and had taken her videos and was threatening to disclose the same to her husband. She has also alleged that after her resignation, the applicant continued to threaten and blackmail her.

4. Learned Counsel for the applicant submitted that the applicant in her resignation letter dated 3rd August, 2015 had not disclosed the said fact as is alleged in the FIR. She submitted that in the resignation letter, the prosecutrix had only stated, that as she had not received salary and as she could not cope with the work, she was resigning. She submitted that pursuant to the said resignation letter, the applicant had issued a notice through his lawyer, asking the prosecutrix to submit the password and all important documents. She submitted that the complaint was thereafter lodged only on 17th October, 2015. She further submitted that prior to the lodging of the aforesaid complaint, the applicant had lodged a police complaint, stating therein, that the prosecutrix had misappropriated the company's funds.

5. Learned A.P.P opposed the bail application. He submits that the applicant had not only sexually assaulted the prosecutrix, who was his employee but had continued to blackmail, threaten the prosecutrix as well as her relatives. He submits that there is an apprehension that if the applicant is enlarged on bail, he will continue to threaten and blackmail the prosecutrix.

6. Perused the papers. Investigation is complete and charge-sheet is filed and the possibility of trial commencing in the immediate near future is bleak. As far as the apprehension of the learned A.P.P is concerned that the applicant will threaten the complainant and her family members, the same can be taken care of by imposing stringent conditions on the applicant. Accordingly, the application is allowed and the applicant is 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. 25,000/- 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 from 10:00 a.m. to 11:00 a.m. for a period of one year and thereafter, on the first Saturday of every alternate month from 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, her family members or any other witness concerned with the case;

(iv) The applicant shall not enter the jurisdiction of Kasturba Marg Police Station, where the prosecutrix resides, till the conclusion of the trial;

(v) 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;

- (vi) The applicant to cooperate with the conduct of the trial;
 - (vii) The applicant shall file an undertaking in the trial Court with regard to clauses (i) to (vi), within two weeks of his release;
 - (viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.
7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. 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.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.