

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.649 OF 2016

Sanjeevan Ramchandran Nair ... Applicant

vs.

The State of Maharashtra ... Respondent

Ms. Mansha Khemka a/w. Ms. Bhagyashree Upadhyay i/b.
Khemka and Associates, for the Applicant.

Mr. S.H. Yadav, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **15th APRIL, 2016**

PC.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 406 and 506 of the Indian Penal Code and under Section 67 of Information Technology Act, 2000 in C.R. No. 112 of 2016 registered with Versova police station, Mumbai. The offence is registered at the instance prosecutrix.

2. It is the case of the prosecution that she is married woman. She got married in 2001 at West Bengal. Thereafter, in 2009

she arrived in Mumbai and got acquainted with the applicant /accused. The prosecutrix was in need of job. It is the case of prosecutrix that in December, 2009 the applicant/accused on the pretext of giving job, took her to the Industrial area, Digha, Navi Mumbai and demanded sexual relations with her. The complainant opposed but the applicant/accused forcefully committed rape on her. He also warned the prosecutrix that she should not told this fact to anybody. Thereafter, in January, 2010 the applicant/accused told the victim that he had recorded sexual intercourse with her in his cell phone. He showed the video clip to her and threatened her that if she would not satisfy him physically, he would circulate the video clip on the social media. Therefore, prosecutrix agreed to continue sexual relationship with the applicant/accused. Thereafter, her husband left the prosecutrix and the complainant started residing with the applicant/accused since 2010. During that period, she gave gold ornaments to the applicant/accused as he wanted money. However, in January, 2016 the applicant/accused asked the prosecutrix to keep sexual relations with his one friend. So she gave complaint to police and the offence is registered against the applicant/accused.

3. The learned counsel for the applicant/accused submits that the applicant/accused is innocent. He is falsely implicated in this case and prayed for pre arrest bail.

4. The learned prosecutor oppose the application.

5. Perused the first information report and other documents. The prosecutrix is 32 years old lady. She was married but started residing with the applicant/accused after her husband left her. There is no such case that the applicant/accused has circulated video clip on the social media. Considering the allegations in the first information report, I am inclined to protect the applicant/accused on the following terms and conditions:

- (a) Anticipatory bail application is allowed.
- (b) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;
- (c) The applicant shall not tamper with the evidence;

(d) The applicant shall not contact with the prosecutrix or her family members and pressurize them.

(e) The applicant shall not leave India without prior permission of the Court;

(f) The applicant shall handover his cell phone along with memory card to police.

(g) The applicant shall cooperate with the Investigating Officer and shall attend Versova police station, Mumbai on four Mondays i.e. 18th and 25th April, 2016 and on 2nd and 9th May, 2016 between 10.00 am to 11.00 am.

6. Anticipatory bail application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)