

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 931 OF 2016

Pankaj Rajnikant Bhat	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Prashant Mohan Patil, Advocate for the applicant.
Mr. S.H. Yadav, APP for the respondent/State.
Mr. Anil M. Rane, P.S.I., Charkop Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **5th May, 2016.**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 376, 354(C), 384, 506(1), 509 of the Indian Penal Code in C.R. No. 87 of 2016 registered with Charkop Police Station, Mumbai. The prosecutrix has lodged the complaint against the applicant/accused on 30th March, 2016.

2. It is the case of the prosecutrix that since 2002, she and her family knew the family of applicant/accused, as they are staying in the same Society. The applicant/accused was friendly with her. However, in the year 2011 as per her case, the applicant took his and her photograph in an objectionable pose and thereafter he was after her. The applicant insisted that she should keep sexual relations with him otherwise he would circulate that photograph and will show it to her husband also. So, she was scared. The applicant/accused used to send her obscene messages.

He forced her to keep sexual relations with him. She succumbed to pressure. The applicant also demanded money from her for his education. She gave approximately Rs.2,00,000/- to him from 2011 to 2015. Out of compulsion she was in his relationship. In March, 2016, the applicant/accused demanded Rs. 5,00,000/- from her otherwise he threatened her that he would circulate her photograph on whatsapp, Facebook and to her husband. As the complainant was tired of this blackmailing, she informed this fact to her husband. Thereafter, the offence was registered. The applicant was arrested on 30th March, 2016.

3. The learned counsel for the applicant/accused submitted that the applicant/accused has no antecedents. The applicant/accused is working and he has also to appear for MBA examination and his workshops are going to start from 6th May, 2016 and examination will be in the month of June. He further submitted that the applicant/accused is innocent. He has not demanded any money. The relationship, if any, was consensual. The learned counsel submitted that the applicant shall not reside in the same Society but will reside at Girgaum along with his grandmother.

4. Learned APP opposed the Application. He relied on the report of the police. He submitted that the cell phone and memory card are seized by the police and the memory card is sent to the Forensic Department. The charge sheet is not yet filed.

5. The applicant/accused is 38 years old married lady having children. Considering the allegations made in the FIR and the submissions advanced by the learned counsel for the applicant/accused and learned APP, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not try to contact the prosecutrix.
- (iv) The applicant shall not stay in the same locality where the complainant is residing and shall stay at Girgaum or some other place.
- (v) The applicant shall not pressurize the prosecutrix or her relatives in any manner.
- (vi) The applicant shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of his address;
- (vii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The learned counsel for the applicant/accused submitted that he be granted provisional cash bail.
7. The applicant/accused shall deposit Rs.1,00,000/- in the Magistrate Court, Borivli without prejudice within two weeks, i.e., on or before 20th May, 2016.
8. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)