

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.456 OF 2017

Umeshlal Vyankatlal Agrawal	.Applicant
Vs.	
The State of Maharashtra	.Respondent

Ms Anjali Patil, Advocate, for the Applicant
Mr.A.S.Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.82 of 2016 registered with the Jogeshwari Police Station, Mumbai, for the alleged offences punishable under Sections 376, 377, 363, 427, 379, 506(II), 341, 120B r/w 34 of the Indian Penal Code and under Section 66E of the Information Technology Act.

3. The Complainant is the prosecutrix herself. She has alleged that one Krishna Mandal, Role Casting Director told her that she would

have to go to Ahmedabad for shooting. She has stated that pursuant thereto, she accompanied Krishna Mandal and went by train to Vadodara, Gujrat and from Baroda to Ahmedabad. She has stated that from the Railway Station at Ahmedabad, they went to Mehta Garden, Memon Nagar. She has stated that Krishna Mandal took her to a bungalow, where there were other artists present. She has stated that Krishna Mandal introduced her to the Applicant as Gururaj, though the others were referring to him as Umeshlal Agrawal. She has stated that there was another person between the age group 30 to 35 years and that the said person was being referred to as Kaliya. She has stated that Krishna told her that the shooting is for one day and that she should be ready for the same and saying so, left the place. She has stated that when she asked the Applicant as to where the shooting was, the Applicant disclosed that shooting will take place, and asked her to remove her clothes. She has stated that when she refused, Kaliya assaulted her and forcibly removed her clothes and started touching her in a highly objectionable manner. She has stated that when Kaliya had oral sex with her, the same was recorded by the Applicant. She has further alleged that thereafter, the applicant had sexual intercourse with her as well as unnatural and oral

sex, the whole night. She has stated that she was confined by the Applicant and Kaliya, and during the said period i.e. 26.05.2016 to 29.05.2016, the Applicant and Kaliya sexually assaulted her. She has stated that during the said period, the Applicant and Kaliya assaulted her and even gave cigarette burns on her legs and private parts. She has stated that the Applicant and Kaliya kept her mobile with them and that whenever phone calls come, they compelled her to tell that she was busy in shooting and would return after 10-15 days. She has stated that on 29.05.2016, they asked her to leave for Mumbai and return back for shooting on 03.06.2016. She has stated that before she was dropped at the Railway Station, they removed her Gold earrings, etc. She has stated that they even damaged her mobile phone. She has stated that on her return, she went to the police alongwith her mother, pursuant to which the aforesaid FIR was lodged. The statement of the prosecutrix is consistent with the history given by her to the Municipal Hospital at Jogeshwari(E). The Medical case papers also show that the prosecutrix had sustained injuries i. e. laceration and contusion, burn marks etc. The history given by the prosecutrix is consistent with the FIR. The said history also discloses the name of the Applicant. The allegations against the Applicant

are extremely serious. The possibility of the Applicant threatening and intimidating the prosecutrix cannot be ruled out.

4. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

5. 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.

(REVATI MOHITE DERE, J.)