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

CRIMINAL BAIL APPLICATION NO. 2594 OF 2016

Trilochan Sunakar Sethi

...Applicant

vs

The State of Maharashtra

...Respondent

.....

Mr Pralhad Rane for the Applicant

Ms P.P.Shinde, APP for the Respondent

.....

**CORAM : SMT SADHANA S. JADHAV, J.
20 JANUARY, 2017**

P.C. :

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. The Applicant herein is arrested on 18th November, 2016 in Crime No.281 of 2016 for the offences punishable under Sections 376, 406, 420, 506 of Indian Penal Code. The investigation is in progress. Learned APP submits that the statement of the victim is to be recorded under Section 164 of the Code of Criminal Procedure, 1973.

2 It is the case of the prosecution that on 18th November, 2016 Ms "X" lodged a report at the police station alleging therein that her father had expired even before her birth. That she was residing with her mother. Due to demise of her father, she was mentally disturbed and being treated at Chaitanya Mental Health Care Center at

Pune as well as Thane. She had partly recovered. According to the first informant, three years prior to 18.11.2016 when her mother used to take her to the hospital, she had met present applicant. They had got acquainted with each other. The applicant used to visit her house. The applicant had proposed to her mother. He had informed the mother of the first informant that he is married man and has two daughters and they are residing at Kutilo, Post Baghuni, Tal. Nemalo, Dist. Cuttack, State Orissa and that his wife had consented to the second marriage. Her mother had spoken to the wife of the applicant on telephone. It was agreed that the mother of the first informant would get married to the applicant. The mother of the first informant and the applicant were in a live in relationship. He had taken undue advantage of the faith reposed in him and had induced her to sell her flat for Rs.20,00,000/- He had assured her that he would purchase a flat for Rs.4 Lacs in Orissa for her. He also used to use ATM card of her mother. He has withdrawn all the amount from her account and constructed a house in Orissa and had also purchased Tata Zest car out of the said money.

3 In January 2016 he had brought his wife and two children to Nalasopara and they were all residing together.

4 It is alleged that on 13th November, 2016 in the morning at about 4.00 a.m. he had sent his wife and his children to Funfiesta Garden and thereafter he had ravished the first informant in her house. That she had waited arrival of her mother and only thereafter

she along with her mother had approached Shraddha Rane and Sou. Chhaya Ghosalkar who are social workers and then they had approached the police station and lodged a report, on the basis of which Crime No.281 of 2016 was registered.

5 It appears from the papers of investigation that a supplementary statement of victim was recorded and she had specifically stated that the applicant had threatened her of dire consequences and had subsequently abused her on several occasions. Since, she had just recovered from her mental illness, she did not have courage to express the same to her mother or anyone. The investigation is in progress.

6 The papers of investigation clearly indicate that the applicant herein had first taken mother of the victim in confidence, cheated her and then had taken undue advantage of the poor mental condition of the victim.

7 In these circumstances, the applicant does not deserve to be enlarged on bail. The application being sans stands rejected.

(SMT SADHANA S. JADHAV, J.)