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

BAIL APPLICATION NO.1086 OF 2018

Rajesh Ramesh Shetty

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. P.L. Shetty for applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 18th June 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.195 of 2017 dated 24.11.2017 registered with Meghwadi Police Station, Mumbai under Sections 376, 384, 343, 323, 504, 506 of the Indian Penal Code.

2] The prosecutrix was aged about 49 years on the date of alleged crime. The prosecutrix was an Insurance Agent and during the course of her said business she got acquainted with the applicant who took policy from her. Their acquaintance blossomed into relationship and it is alleged that the applicant by taking undue advantage of the situation and by putting the prosecutrix under duress and coercion committed sexual assault on her. It

is further alleged that, the applicant had also extorted a sum of Rs.30,00,000/- (thirty lakhs) from her on some or other pretext. During the course of investigation, the applicant came to be arrested on 26.11.2017 and after completion of investigation, the police have submitted chargesheet.

3] A bare perusal of the first information report would prima facie indicate that, the alleged act as contemplated under Section 376 of Cr. P.C. Was a consensual act between two adult persons and the prosecutrix was a consenting party thereto. As far as offence the alleged offence under Section 384 of Indian Penal Code is concerned, it is prima facie difficult to accept the case of the prosecutrix that, she was put under duress or coercion for extorting the said amount.

4] In view thereof, the applicant can be released on bail.

Hence, the following Order:

i] Applicant be released on bail in CR No. 195 of 2017 registered with Meghwadi Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the applicant shall attend the Meghwadi Police Station, Mumbai on every first Monday of the month

between 11.00 a.m and 1.00 p.m

iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

iv] Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellatiion of bail.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)