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

BAIL APPLICATION NO.1179 OF 2018

Jaydeep Shridhar Gokhale

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Anand Awasarmol I/b Ajinkya Murumkar and Arvind Awasarmol and Ramesh Pawal for applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 20th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.I- 158 of 2017 dated 2.12.2017 registered with Shrinagar Police Station, Thane under sections 376, 420 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecution case in brief is that, the applicant was having acquaintance with the first informant/prosecutrix due to their business relations, as the applicant was taking contracts for office interior work. The applicant also proposed the first informant for marriage. It is alleged that,

the first informant was in need of funds for expansion of her business and when she informed the said fact to the applicant, the applicant introduced his friend Mohd. Salim Colabawala with the first informant. The co-accused Mohd. Salim Colabawala represented the prosecutrix that a Trust by name Mama Bhanja Dargah Trust situated at Shaikh Pahad, Hanuman Nagar, Wagle Estate, Thane was providing loans without charging interest thereon to businessmen. The said co-accused also represented the prosecutrix that a loan of Rs.5.00 Crores will be made available to her for her business purpose and for that, she will have to spend certain amount towards processing charges. The said co-accused thereafter induced the prosecutrix to part with amount of Rs.21.00 lakhs from time to time. It is the further prosecution case that, the said Mohd. Salim Colabawala did not provide the loan to prosecutrix as agreed. On demand of return of the said processing charges, the co-accused refused to return it. In the premise the first information report is lodged.

During the course of investigation, the applicant came be arrested on 8.1.2018 and after completion of investigation, the police have submitted chargesheet.

4] The record indicates that, in the first information report there is no allegation of offence as contemplated under section 376 of the Indian Penal Code against the applicant. In the supplementary statement given by the prosecutrix on 12.12.2017 i.e. after about a gap of ten days, the allegation under section 376 of the Indian Penal Code has been levelled against the applicant for the first time by the prosecutrix.

5] Perusal of the supplementary statement, prima facie indicates that the prosecutrix was a consenting party to the said alleged offence as contemplated under section 376 of the Indian Penal Code against the applicant. So far as offence under section 420 of the Indian Penal Code is concerned, except introducing the first informant with said co-accused Mohd. Salim Colabawala, there is no evidence on record that the applicant has accepted and/or received any money in the said transaction.

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

Hence, the following Order:-

i] Applicant be released on bail in CR No. I-158 of 2017 registered with Shrinagar Police Station, Thane 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

Shrinagar Police Station, Thane on every first Monday of the month between 11.00 a.m to 1.00 p.m

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

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)