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

BAIL APPLICATION NO.1477 OF 2018

Sukhendu Ajitkumar Jana

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Nitin Patil I/b Shiv Shankar Pasi for applicant.

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

Mr. Ghorpade, P.I., Bandra Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 16th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No. 178 of 2018 dated 13.3..2018 registered with Bandra Police Station, Mumbai under sections 342, 362, 365, 376(D), 323 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 first information report is lodged on 13.3.2018 by Smt. Sapnarani Jana wife of the applicant. It is the prosecution case that, there was dispute and differences between the applicant and the first informant

and therefore the first informant started residing separately at Bandra (West), Mumbai. That on the date of incident, the applicant called first informant through her friend namely Ms. Deepa and informed the first informant that the applicant is intending to purchase property in the name of their son Master Vinayak and called her to come at Pali Hill signal, Bandra. It is alleged that on the way to the said place altercations took place between them and thereafter the applicant along co-accused Ritesh abducted the first informant and took her to a desolate place at Virar. That co-accused Ritesh put a lock to the room from outside and it is alleged that the applicant committed forcible sexual assault on the first informant. It is further alleged that, the applicant thereafter gave a phone call to co-accused Ritesh to open the room and at the instigation of applicant said Ritesh also committed sexual assault on first informant. The prosecutrix become frail and slept on the floor of the said room till morning. In the morning she observed that, the applicant was fast asleep and therefore she ran away from the said place and subsequently she lodged the present crime.

4] The first information report is self-eloquent and clearly shows complicity of the applicant in the present crime. The statements of

witnesses duly corroborate the version of victim. Prima facie, the record shows the clear complicity of the applicant as the perpetrator of the crime.

5] After taking into consideration the complicity of the applicant in the present crime, serious nature of allegation and the gravity of offence, this Court is of the view that the applicant does not deserve to be released on bail.

6] Application is accordingly rejected.

(A.S.GADKARI, J.)