

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1908 OF 2017***

Firoz Ahemad Niyaz Shaikh

Applicant

Versus

The State of Maharashtra

Respondent

Mr.A.R.Gangurde, for the applicant.

Mrs.P.P.Shinde,APP, for the State.

Shri Anjum Bagwan, P.I. Hadapsar Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 20th February, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 4.1.2017 in Crime No.811 of 2016 registered at Hadapsar Police Station, Pune. The investigation is completed and charge-sheet is filed against the applicant for the offences punishable under Sections 376, 406, 420 of the Indian Penal Code and under Section 66(D) of the Information Technology Act.
2. It is the case of the prosecution that on 25.10.2016, Nita Sherkhane filed a written complaint at Hadapsar Police Station alleging therein that she is a widow and mother of two children. Since she wanted to get remarried,

she has registered herself on a matrimonial website. On 2.8.2016, she received an e-mail from the e-mail ID “rahul76666@rediffmail.com” accepting her proposal and expressing his desire to get married. They should meet his family members. He had also offered to adopt her children and take care of them as a foster father. He had informed the complainant that his cousin is getting married at Ahmedabad and requested her to accompany him. It is alleged that they had travelled by a Sleeper Coach and while in transit, he had ravished her against her wish. Thereafter, they had made several attempts. They had also checked into a hotel and had sexual intercourse. They had been to Ahmedabad and had stayed in Hotel Four Point. She was carrying an amount of Rs.33,000/- along with her and certain gold ornaments, her ATM Card and cellphone. He had retained the said purse in his custody. They had been to Mall and thereafter to the Railway station. He had parted from her on the pretext that he wishes to go to the washroom and did not return.

3. It is a pathetic situation that the offence was not registered on the basis of the said report. The Investigating officer is present and has offered lame explanation.

4. The learned APP, upon instructions, submits that since Vashi

was mentioned, the FIR was sent to Vashi Police Station. Thereafter it was revealed that offence has taken place at Hadapsar and therefore, the complaint was again returned to Hadapsar Police Station and in the said course, the police had consumed more than four months and finally on 7.2.2016, Crime No.81 of 2016 was registered at Hadapsar Police Station against the applicant for the offences punishable under Sections 376, 406, 420 of the Indian Penal Code.

5. The learned counsel for the applicant vehemently submits that in fact there is a delay in lodging the FIR. The incident is of 10.8.2016, whereas the written report was given on 25.10.2016. It is submitted that in fact, it is a case of consensual sex and no offence under Section 376 can be attracted. It is also submitted that it was equally the responsibility of the woman who had accompanied the applicant to Ahmedabad, had stayed with him and yet maintained silence although he had abandoned her on 11.8.2016.

6. The learned APP submits that there are five cases registered against the applicant, wherein the modus operandi of the applicant is the same. It is submitted that he takes advantage of vulnerable and gullible persons who are widows or abandoned by their husbands and express their

desire to get remarried. One such application was filed by Reeta Jain on 27.8.2016, wherein the applicant had registered himself with a matrimonial website. he had contacted the complainant, informed her that he is a pilot and had asked her to accompany him to his relatives and had robbed her of her belongings. The modus operandi appears to be the same. Crime No.36 of 2016 is registered at Vimantal Police Station, Crime No.384 of 2016 is registered at Vile Parle Police Station, Mumbai, Crime No.870 of 2016 is registered at Kamathi Police Station, Nagpur, Crime No.321 of 2016 is reclustered at Ghatkopar Police Station, Mumbai and Crime No.274 of 2016 is registered against the applicant at Bhosari Police Station. The applicant has been charge-sheeted for the offences punishable under Sections 420, 380, 417, 409, 406 of the Indian penal Code. In the year 2016 itself, there are at least five cases registered against the applicant besides the present case. The charge-sheet would show that he had registered himself on 'Shadi.com' and has contacted many women. The learned APP submits that the applicant is a thug.

7. The learned counsel for the applicant submits that the applicant has not been convicted in any of the offences and therefore, cannot be taken into consideration.

8. Upon perusal of the compilation of the charge-sheet, the modus operandi of the applicant to victimize vulnerable women who are single, and cheat them is sufficient to hold that this is not a case for grant of bail.

9. The application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)