

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

CRIMINAL BAIL APPLICATION NO. 2140 OF 2018

Ameya Rakesh Bhavsar

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Viresh V. Purwant for the applicant.

Ms. A.A. Takalkar, APP for the Respondent-State.

Mr. S.P. Jadhav, Mira Road, Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 15th OCTOBER, 2018.

P.C.

1. This is an application for bail in connection with C.R. No. I-193 of 2017 registered with Meera Road Police Station for offences punishable under Sections 376(D), 328, 354, 506 of the Indian Penal Code and Sections 4, 6 of POCSO Act.

2. The case of the prosecution is that the victim aged about 16 years is resident of Meera Road. She is residing with her father and brother. She had talked with the applicant who was known to her about working in TV serial. The applicant had introduced the complainant with one Rajesh Rathod @ Thapa and told the complainant that he will provide her job in TV serials. On 9th June, 2017 at about 3 p.m. complainant received the message

from the applicant on the mobile phone of her father, that they would meet on that day. She expressed her inability to meet on that day. The applicant allegedly told her that she would miss an opportunity. The complainant agreed to meet him. Subsequently, she met the applicant alongwith common friend Shubam and Vaibhav. She sat in the car with them. The car was taken to Gorai Breach. She was under impression that there was shooting on the Gorai Breach and hence she could not object Rajesh and his four friends at the Gorai Breach. All of them went to Kinara Hotel and ordered Duke Beer Bottles. She was also given a bottle but she refused to drink. At that time Rajesh Rathod allegedly told her that if she wants to work in TV serials, she has to drink. After consuming beer, she felt dizzy and was in inebriated condition. Accused took her in a isolated place and committed rape on her. Subsequently, FIR was lodged.

3. Applicant's contention is that he has been falsely implicated in this case. The case is completely concocted by the complainant. She did not disclose the forcible sexual assault to the police at Navghar Police Station. She told the police that Ameya is her boy friend and nothing untoward has happened to her. While lodging the FIR allegations of sexual assault were made alleging that the

incident had occurred on 9th June, 2017. Co-accused has been granted bail by this Court.

4. I have perused the order passed by this Court in Bail Application No. 325 of 2018. It is undisputed that the case of the Subham @ Trivendrakumar Lalbihari Pathak and applicant is similar. The applicant is entitled for bail on the ground of parity. Investigation is completed and chargesheet has been filed. This Court while granting bail to the co-accused has observed that at the first instance the victim did not disclose the incident to the police and subsequently it is alleged that the accused had sexually assaulted her. The Forensic Medical Examination of the victim does not corroborate the version of the prosecutrix and *prima-facie* it appears that, it belies her statement of assault. In the light of the aforesaid circumstances, the case for grant of bail is made out.

ORDER

- i) Criminal Bail Application is allowed;
- ii) Applicant is directed to be released on bail in connection with C.R. No. I-193 of 2017 registered with Mira Road Police Station on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

- iii) The applicant shall attend Mira Road Police Station, on every first Monday of the month between 11.00 and 1.00 p.m. till further order.
- iv) Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- v) Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses;
- vi) The application stands disposed off.

(PRAKASH D. NAIK, J.)

Digitally
signed by
Sachidanand
Kuttan Nair
Date:
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