

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

CRIMINAL APPLICATION NO. 683 OF 2014

The State of Maharashtra

... **Applicant**

V/s.

Shri. Vishal Ramnayan Singh

... **Respondent**

Ms. A.A. Takalkar, APP for the Applicant/State.

Mr. S.S. Karmalkar for the Respondent.

CORAM : A.S.GADKARI, J.

DATE : 8th JANUARY, 2018

P.C.:

. This is an application for cancellation of bail granted to the Applicant by an Order dated 02.02.2013 by the learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai.

2 The Respondent is an accused in C.R. No. 29/2013 dated 30.01.2013 which was initially registered with Bangur Nagar Police Station under Section 420 of the Indian Penal Code. It is an allegation against the Respondent that, Respondent by giving promise to marry with the first informant Ms. Jayshri Ahuja induced her to part with sum of Rs. 92,00,000/- and after receipt of said amount resiled from his promise. In the premise, the first information report was lodged initially under Section 420 of the Indian Penal Code.

3 The Respondent thereafter, arrested on 31.01.2013. That, the learned Metropolitan Magistrate by its Order dated 02.02.2013 was pleased to release the Respondent on bail. The record further indicates that the first informant

thereafter, gave a supplementary statement dated 08.04.2013 wherein she made an allegation which attracts Section 376 of the Indian Penal Code. In furtherance thereof, Section 376 of the Indian Penal Code has been added to the present crime. The Investigating Agency thereafter, moved an application for cancellation of bail of the Respondent. The learned Metropolitan Magistrate by impugned order dated 24.07.2013 has rejected the said application.

4 Perused the record. As noted earlier, the record clearly indicates that the first informant who was aged about 40 years on the date of lodgment of crime has not made any reference to an alleged act as contemplated under Section 376 of the Indian Penal Code at the first instance and after a lapse of three months, the said allegation has been made by way of supplementary statement. The learned Trial Court after taking into consideration the various aspects of the matter by a well reasoned order has rejected the application for cancellation of bail preferred by the prosecution/investigating agency.

5 After taking into consideration the facts of the present case, this Court is of the considered view that there is no error either in law or in facts committed by the learned Metropolitan Magistrate while passing an impugned Order dated 24.07.2013.

5 Application being devoid of any merits, is accordingly rejected.

(A.S.GADKARI, J.)