

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

CRIMINAL BAIL APPLICATION NO. 1630 OF 2019

Maya Keru Ovhal

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Vikas B. Shivarkar, for Applicant.

Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE :09th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking her release on bail in connection with C.R.No. I 286/17 registered with Bhosari Police Station, Pune, under sections 395, 342, 323 and 506 of the Indian Penal Code. The applicant was arrested on 02/08/2018 and since then she is in custody. The investigation is over and the charge-sheet is already filed.

2. The FIR in this case is lodged on 08/07/2017 by one Niyamat Ali Kadari. He has stated in his FIR that, at the instance of

one Pranali, the first informant went to Vanraj Lodge, Alandi road, Bhosari, Pune to have sexual intercourse with her. He paid Rs.1500/- to her. After some time, the informant and Pranali came out of the lodge. They were accosted by four ladies and one man. The informant was forcibly kept in one Indica Car. Pranali and others demanded Rs.5 lakhs. They were telling him that if the money was not paid, a false case of rape would be filed against him. They demanded at least Rs.2 lakhs for not lodging any FIR. At their instance, he showed willingness to get married with Pranali. It is alleged that they took away Rs.6000/- from him forcibly. Thereafter, that girl and her companions took the informant to Bhosri police station and started complaining that the girl was taken against her will to the said lodge. The police made inquiry. The informant told them his version of the incident. Thereafter those ladies refused to lodge their complaint, instead, present informant Niyamat Ali Kadari lodged his FIR.

3. Two of the accused i.e. Maya and Pranali @ Pooja were arrested on 08/07/2017. The investigation was carried out. The present applicant was arrested on 02/08/2018.

4. Heard Shri. Vikas Shivarkar, learned counsel for the applicant and Smt. A. A. Takalkar, learned APP for the State.

5. Learned counsel for the applicant submitted that the applicant is falsely implicated and she has no concern with the offence. He submitted that she was very much available in Pune and was never absconding; yet she was not arrested by the police for one year. He submitted that this fact showed that the applicant had not committed any offence and, therefore, police did not want to arrest her.

6. Smt. Takalkar, learned APP, on the other hand, relied on the order passed by this court (Coram: Smt. Sadhana S. Jadhav, J.) dated 12/07/2018, by which the bail application of Maya, Ravindra Sirsam and Sonam Pawar was rejected. She submitted that these accused were conducting extortion racket and were implicating innocent persons from the society in serious offence of rape. She therefore submitted that bail should not be granted to the present applicant, as well. I have considered these submissions and with the assistance of learned counsel I have gone through the entire charge-sheet.

7. The FIR shows that after the informant and the girl came out of the lodge, they were confronted by four ladies and one man. Those ladies were not named when the informant described this part of the incident, however, their names appear in the last portion of the FIR. The FIR was lodged after the informant was taken to the police chowky by those ladies and that man. In any case, the identity of the present applicant was not known to the first informant and, therefore, it was necessary to have conducted the test identification parade. The police have not explained as to how the names of four ladies appear in the FIR. There is no explanation coming-forth as to why two of them were arrested on the next day and the applicant could be arrested only after about a year. The statement of that girl Pranali @ Pooja @ Sonam recorded on 08/07/2017 shows that when they came out of the lodge, they were confronted by her Aunt, sister and members of social organization and they were taken to Bhosari police station but she did not want to lodge any complaint. When this story was before the police, there is no reason as to why police did not arrest the accused including present applicant then and

there when they were very much present in the police station.

8. The order passed in the bail application of Maya, Ravindra and Sonam shows that there was a racket conducted by those accused to expose several respectable people and to extort money from them. The charge-sheet contains a statement of PSI Manisha. She has stated that in the year 2015 Pranali @ Sonam @ Pooja had tried to lodge similar complaint, but the FIR was not lodged and at that time, she was accompanied by Maya Sawant and others. In this statement, the present applicant's name is not included. Thus, at this stage, there nothing to show that the present applicant was part of such racket.

9. Considering this weak peace of evidence and lack of proper identification of the present applicant, I am inclined to grant bail to the present applicant.

10. Hence, the following order :

ORDER

- (i) In connection with C.R. No.I 286 of 2017 registered with Bhosari Police Station, Pune, the applicant is directed to be released on bail on her furnishing PR bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)