

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2879 OF 2019

Shrikant Raju Shinde, Age 28 years,
Occ.Business, R/o.Lonawala, Tal.Maval,
Dist.Pune (presently lodged at Jail)

Applicant

versus

The State of Maharashtra

Respondent

Ms.Shubhangi Parulekar for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th December 2019

PC :

1. The applicant is arrested on 25th October 2018 in connection with CR No.103 of 2018 registered with Uttamnagar Police Station, Pune for offences under Sections 376, 341, 420, 323, 328, 504, 506 r/w 34 of Indian Penal Code and under Section 67 of Information Technology Act.

2. A complaint was lodged on 18th October 2018. The victim is aged about 20 years. It is alleged that she got acquainted with the applicant in 2017. The applicant took her to the flat. He administered some injection to her as a result of which she could not understand anything. She regained consciousness on the next day. She was in the flat. She realized that after she was unconscious, the accused had subjected her to sexual assault. The complainant decided to marry him since he had subjected her to sexual assault. The accused promised her of marriage and on several occasions took her

to the said flat and both of them had sexual relationship. Subsequently she learnt that the applicant is a married person and hence she objected for relationship. She was assaulted by the accused. She was detained in the flat. The accused threatened her that he would make the obscene photographs viral. The victim gave a call to her mother. On the next day the victim's mother reached the place where the victim was detained. The complainant thereafter learnt that her obscene photographs were forwarded through Whats App by the accused. Hence, the FIR was lodged on 18th October 2018.

3. Learned counsel for applicant submitted that taking into considerations allegations as it is, the relationship between the accused and the complainant was consensual. The victim was married. According to the victim there was physical relationship on several occasions. The first incident had occurred in 2017. The FIR was lodged in October-2018. The statement of Rajendra Dangat, who is the owner of premises, refers to the fact that the victim and the applicant had visited the said flat. The said premises were let out to the applicant by Mr.Dangat. It was represented by the accused that the victim is his wife. It is further submitted that the mobile phone of the applicant has been seized. The mobile of witness Lokesh Rajput is also seized. The mobiles of other witnesses to whom allegedly the obscene photographs were forwarded, were not seized.

4. Learned APP submitted that the offence is of serious nature. Apart from indulging in sexual relationship with false promise, the victim was detained in room. The victim has also alleged that she

was injected and the accused took undue benefit of situation and indulged in sexual assault. The statements of witnesses mention that obscene photographs of the victim were forwarded by the applicant.

5. On going through the FIR it is apparent that the victim and the applicant were acquainted with each other in 2017. The incident of administering injection had allegedly occurred in 2017. Even after that the victim had accompanied the accused to the same flat premises and there was repeated physical relationship between them. The incident of administering injection was not informed to the mother of victim. The offence under I.T.Act are punishable for three years. The applicant is in custody from the date of arrest. The mobile phones of three witnesses to whom allegedly the obscene photographs were forwarded, are not seized. The mobile phone of one of the witness is seized which is sent for forensic examination. Investigation is complete and charge sheet is filed.

6. Taking into consideration aforesaid circumstances, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2879 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.103 of 2018 registered with Uttamnagar Police Station, Pune, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Uttamnagar Police Station, Pune once in a month on every first Saturday between 10 am and 12 noon till conclusion of trial;

- (iv) The applicant shall not try to contact or meet the victim;
- (v) The applicant shall not tamper with the evidence and shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST