

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

BAIL APPLICATION NO.1342 OF 2019

Mr. Sainath Sanjeev Shetty ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Shirish Gupte, Senior Advocate with Mr. Ganesh Bhujbal i/by Mr. Kunal V. Phoole for the Applicant.
Mr.S.R.Agarkar , APP for the Respondent-State.
PSI K.N.Rupnav attached to Hinjewadi Police Station present.
Mr. Sanjiv Sawant i/by Mr. Pandit Kasar for applicant/intervenor in APPP 1121 of 2019.

CORAM : SANDEEP K. SHINDE J.
DATE : 29th JANUARY, 2020

P.C. :

Heard.

2 It is the complainant's case that applicant engaged in sexual relations with her on false promise of marrying her and, therefore, consent given on misconception of facts, is not a valid consent and it stands vitiated.

3 Applicant is 44 years old married person; victim is 39 years old married woman blessed with children. Complaint, prima-facie, shows, she voluntarily agreed to remain in company of the applicant and submitted to his physical desires. Though it is contended that her consent was obtained by putting her in fear of making alleged videos viral on social media platforms, the text messages between the applicant and the victim before registration of the FIR does not even suggest this fact. Complaint itself shows that she had conceived from the applicant and has now delivered a baby boy.

4 Applicant is in custody since 14th December, 2018. Though it is submitted that charges are framed and if the applicant is released on bail, he will influence the witnesses, in my view, apprehension can be taken care of by imposing suitable conditions. Case is made out for releasing the applicant on bail. Hence, the

following order:

ORDER

(i) The applicant be enlarged on bail in Crime No.841 of 2018 registered with Hinjewadi police station, on executing PR Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

5 The application is accordingly disposed of.

6 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)