

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3461 OF 2019

Deepak Ashok Patil

Applicant

versus

The State of Maharashtra

Respondent

Mr.Niranjan Mundargi with Lokesh Zade i/by Praful Soni for applicant.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 20th January 2020

PC :

1. The applicant is seeking bail in CR No.497 of 2019 registered with Chikhali Police Station, Pune under Sections 377, 376, 367(n), 354, 354-A, 328, 509, 504, 506 r/w 34 of Indian Penal Code. The applicant was arrested on 31st July 2019.

2. The case of the prosecution is that the informant is a married lady aged 30 years. She is BHMS Doctor having two children. The accused no.1 and the victim were acquainted with each other. In 2010 accused no.1 approached the victim and took her in hotel. He committed sexual intercourse with her by administering intoxicated substance in her food. It is alleged that the victim got married in 2012. Accused no.1 procured address of the victim. The accused no.1 then threatened the victim that in 2010 there was physical relationship between them and he is possessing video recording recorded in 2010. He demanded Rs.2,00,000/- from the victim. On the same day he committed sexual intercourse with her. Thereafter

also under threats the victim was subjected to sexual assault. The accused no.1 kept on demanding money from the victim. It is also alleged that at the instance of accused no.1 the applicant had demanded money from victim on 6th June 2019 and he molested her in her OPD. The FIR was, however, lodged on 30th July 2019. On completing investigation charge sheet is filed.

3. Learned counsel for applicant submitted that the complaint is false. The material on record indicates that the accused no.1 and the complainant were in relation. The applicant relies on the text messages exchanged between accused no.1 and the victim which according to him shows that they were in relationship. The only role assigned to the applicant is that he had demanded money in June-2019 and allegedly molested her. However, the FIR was lodged belatedly.

4. Learned APP submitted that the victim was subjected to sexual assault repeatedly by accused no.1. The applicant had demanded money at the instance of accused no.1. The applicant had also subjected the victim to sexual assault by outraging her modesty.

5. Perused the documents on record. Undisputedly as per the version of complainant/victim, she was acquainted with accused no.1 in 2010. There was physical relationship between them. Thereafter she got married. Accused no.1 allegedly threatened her thereafter in 2018 and had subjected her to sexual assault under the threats that he is in possession of video recording which was recorded in 2010. No complaint was filed by the complainant earlier. The applicant has not been attributed role of sexual intercourse. The incident

attributed to the applicant had allegedly occurred on 6th June 2019. The FIR was lodged on 30th July 2019. Investigation is complete and charge sheet is filed. Further detention of the applicant is not necessary. There is no antecedent against applicant.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3461 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.497 of 2019 registered with Chikhli 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 not approach the victim and shall not tamper with the evidence;
- (iv) The applicant shall not enter into vicinity of the residence of complainant/victim till conclusion of trial.

(PRAKASH D. NAIK, J.)

MST