

Rishi Jagdish Agarwal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Anamika Malhotra, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 29th SEPTEMBER, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 203 of 2020 registered with the Taloja Police Station, Raigad, for the alleged offences punishable under Sections 376 (1), 417, 419 of the Indian Penal Code.
3. Perused the papers. The complainant, aged 39 years, has stated that she was married in 2006 and that from the said marriage, she had a

daughter. The complainant has further stated that in 2013, she got divorced and was living with her daughter; that in 2019, she sent her daughter to her brother's place, at Thane; however, due to COVID, she could not visit Thane often; that as she had started feeling lonely, she got herself registered on Shadi.com, where the applicant sent a friend request to her. The complainant has further stated that, thereafter, she met the applicant and that they started meeting often, as their ideologies matched. The complainant has stated that they started going out on long drives and that they had physical relation and that the same continued thereafter. According to the complainant, the applicant started living with her and that they were staying together as husband and wife. The complainant has stated that the applicant had disclosed to her that he was married earlier and that he had filed for divorce and that the said proceeding was pending. According to the complainant, she found some nude photographs of some girls on the applicant's mobile, which she deleted. The complainant has stated that the applicant convinced her that it would not happen again.

4. According to the complainant, in September, 2020, she learnt that the applicant's wife had lodged a complaint against the applicant in the Kharghar Police Station. When the complainant questioned the applicant, he replied that his wife was intentionally filing false complaints

as she wanted to siphon of his property. The complainant has further stated that the applicant had introduced her to some of his relatives. According to the complainant, on 22nd September, 2020, the applicant informed her that he was going to his aunt's place, and told her not to call. The complainant has stated that as she suspected something fishy, she turned on the Google Map Tracker on the applicant's mobile phone and when the applicant returned in the night at about 9.30 p.m., she noticed that the applicant had been to Seasons Hotel, Nerul, Navi Mumbai. According to the complainant, when she questioned the applicant about the same, the applicant replied that he never intended to marry her and abused and threatened her, that he would circulate her photographs on the social media. According to the complainant, the applicant not only cheated her by projecting himself as a divorcee and stating that he was working in Reliance Company and earning a handsome salary, but had physical relations with her after giving false assurance that he would marry her.

5. After registration of the FIR, the applicant was arrested. During the course of investigation, nothing objectionable was found in the applicant's mobile. Whether or not the relations were consensual and whether the applicant had induced the complainant and had physical relations with her, after promising marriage, is a matter which will be

decided by the trial Court. The applicant is in custody since 9th October, 2020. Investigation is complete and the chargesheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 20,000/-, for a period of six weeks;

(ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of his release, except if the date in the trial Court falls on a Saturday;

(iv) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile

details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

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

(vii) The applicant shall file an undertaking with regard to clauses (iii) to (v) in the trial Court, within two weeks of his release;

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.