

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

CRIMINAL BAIL APPLICATION NO. 639 OF 2021

Veda Santosh Bhoite ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Mubin Solkar a/w. Zarak Khan a/w. Mr. Saif Khan i/b. Ms. Sana Shaikh a/w Ms. Hemal Shah a/w. Ms. Maya Updeshe and Mahjabeen Khan i/b. Mr. Sharad Raut, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 24th MARCH, 2021

PC :

1. The applicant was arrested on 10th January 2021 in connection with C.R.No.16/2021 registered with Kalachowki Police Station, Mumbai for the offence punishable under Sections 376 and 34 of Indian Penal Code and Sections 4, 8, 12 of The Protection of Children from Sexual Offences (**POCSO**) Act, 2012.

2. The case of the prosecution is that, in September 2019 complainant had visited Khalsa College. She got acquainted with one boy Amey Mestry. He introduced her to his friends. Veda Bhoite (applicant) was in the said group. They became friend. They used to

go out together. The applicant clicked photographs of the complainant/victim while she was changing her cloths. The applicant had threatened complainant that she would show her nude photographs to others. She would disclose her conduct to her parents. The applicant had allegedly told her that she should fullfill demands of Amey Mestry. Amey Mestry was forcing her to go out with him. Amey Mestry took the complainant to house of the applicant at Parel. He had sexual intercourse with her. At that time, the applicant had allegedly clicked photographs of complainant and Amey by her cell phone. Thereafter, the applicant used to threaten the complainant by showing the photographs and inducing her to establish physical relations with Amey Mestry. In January 2020, the applicant again threatened her and forced her to have physical relationship with her friend Alok Pawar. She was subjected to sexual assault by Alok Pawar. In February 2020, she was introduced to Shrilesh Dalvi. They became close friends. Shrilesh became friendly with the applicant. The complainant questioned Shrilesh Dalvi. She was subjected sexual assault by him. Siddhesh Lad is a friend of complainant as well as the applicant. In January 2020, the applicant was trying to blackmail her for having relationship with Siddhesh Lad. She was taken to house of Alok by Siddhesh Lad and subjected her to sexual assault. In November 2020, there was fight between

applicant and the complainant. The applicant had threatened her that he would disclose about her conduct to her parents. She disclosed it to Sumit. On 3rd January 2021, the applicant had called complainant and told her that she would disclose her conduct to her boy friend Samrat Sarkar on account of she had consumed Crocin tablet and she was admitted to Nair Hospital for treatment.

3. Pursuant to the arrest of the applicant, statements of several persons were recorded. On completing investigation, chargesheet was filed.

4. Learned Counsel for the applicant took me through the statements of the witnesses and the First Information Report (in short 'F.I.R.'). It is submitted that the entire case is false. The allegations are concocted. From the tenor of the F.I.R. and the statements of the witnesses, it is apparent that there was dispute between the applicant and complainant. From the chargesheet, learned Counsel pointed out statements of Mahesh Ramchandra Mule and Sumit Mohan Yadav and submitted that, the complainant was friendly with several persons. The relations between the applicant and complainant were strained on account of the fact that, both of them had a common friend who was purportedly the boy

friend of the complainant. It is submitted that the F.I.R. was lodged belatedly after the period of about one year.

5. Learned APP submitted that the statement of first informant is required to be looked into. She had attributed overt act to the applicant. The offences of serious nature. The applicant used to blackmail the complainant. On the basis of nude photographs, she was inducing the complainant to indulge in physical relationship with the persons named in the F.I.R. The statement of complainant is supported by the evidence.

6. I have perused the statements recorded during the investigation. Apparently, cell phone of the applicant was seized but nothing incriminating was found. It appears that the cell phone has been forwarded to C.F.L. for opinion. Mahesh Mule has stated that, complainant is his daughter. On 11th November 2020 his daughter had a quarrel with applicant due to Nilesh Dalvi. Applicant had threatened that she would disclose about complainant to her parents. Complainant had disclosed about it to Sumit. On 3rd January 2021 applicant had threatened that she would reveal about her conduct to Samrat Sarkar. Complainant had consumed Crocin tablets. She was admitted in hospital. Samrat Sarkar had sent obscene message about

complainant on instagram. He had blamed complainant for being in relationship with two boys. Sumit Yadav in his statement has stated that, Amey Mestry was boyfriend of victim/complainant. Thereafter he became boyfriend of applicant. On that count, there were quarrels between them. It can be noticed that the relationship between the applicant and complainant was strained. During the course of investigation, all the accused are arrested. Two of them were juvenile and hence bail has been granted by the Juvenile Court and four are in custody. It is pointed out that the applicant is a student of 12th Standard. Her examinations are likely to start shortly. She is required to appear for Practical exams. She is a 19 years old girl.

7. Considering these factual aspects, further detention of the applicant is not necessary.

8. Hence, I pass following order.

ORDER

- (i) Criminal Bail Application No.639 of 2021 is allowed.
- (ii) The applicant is directed to be released on bail in C.R.No.16/2021 registered with Kalachowki Police Station, Mumbai, on executing PR. bond in the sum of Rs.25,000/- with one or more sureties

in the like amount;

- (iii) The applicant shall attend the trial Court on the date of the hearing of the case regularly unless exempted by the Court;
- (iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks;
- (v) Criminal Bail Application No.639 of 2021 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)