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

CRIMINAL BAIL APPLICATION NO. 1343 OF 2021

JIGAR VORA

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**WITH
INTERIM APPLICATION NO. 2224 OF 2021
IN
CRIMINAL BAIL APPLICATION NO. 1343 OF 2021**

PRANALI PANDURANG KADAM

....APPLICANT

IN THE MATTER BETWEEN

JIGAR VORA

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Ashok M. Saraogi advocate for the Applicant
Ms. A. A. Takalkar APP for the State
Mr. Ninad Muzumdar for intervenor

CORAM : NITIN W. SAMBRE, J.

DATE: 17th NOVEMBER, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. 920/2020 registered with Dindoshi Police Station for offence punishable under Sections 376(n), 417, 323, 509, 504 and 506 of the Indian Penal Code.

2] Case of the prosecution against the applicant is, complainant, a singer by profession was contacted by the applicant, a event organizer/manager, acquired her confidence. He developed intimacy with the complainant. He developed physical relation with complainant under the pretext of marriage. He continued the relationship for a period of almost 4 years though he was already married.

3] Submissions of learned counsel for the applicant while trying to make out a case for bail are, relation between the parties is consensual. He would invite attention of this Court to the chronology of the events, particularly depicting that complainant voluntarily maintained relation with the applicant from time to time and also travelled to various places such as Daman etc. Counsel for the applicant would urge that it is only after differences arose between

the parties, victim has lodged the false complaint against the applicant. So as to establish the case of consensual relation, he has invited my attention of documents maintained by doctor in the matter of abortion of the complainant, booking and payments made at various resorts jointly by the applicant and complainant and also the Whats-App messages exchanged between the parties. As such, it is claimed that applicant is falsely implicated in the crime.

4] Per contra, learned APP assisted by learned counsel for the complainant would urge that applicant promised the complainant to marry and as such, complainant maintained the relationship as the applicant assured that his divorce proceedings are under process before the competent court. According to learned APP, statement of doctor, document depicting abortion sufficiently establishes prima facie involvement of the applicant in the offence in question.

5] Considered submissions.

6] It appears that in 2017, applicant though was already married,

he appears to have made promise of marriage, with further assurance that as his divorce proceedings are underway same will be positively concluded in his favour within two years. After the finalisation of the divorce proceedings, applicant assured to marry the complainant and repeatedly established the physical/sexual relationship with her. Such physical relationship has resulted into complainant carrying pregnancy which was terminated and the medical papers specifically depicts name of the applicant as one who was in relation with the complainant in the matter of process of abortion.

7] As such, the fact remains that applicant remained in physical relationship with the complainant during the subsistence of his first marriage. As such, the theory put forth in the prosecution that applicant assured to marry the complainant that too after he will divorce his first wife appears to be justified.

8] Apart from above, it appears that complainant, applicant alleged to have maintained similar relation with other female which is

already mentioned in the complaint.

9] As such, there is strong prima facie case against the applicant of his involvement in the serious offence which is punishable for more than 10 years. That being so, no case for bail is made out. Application stands rejected.

10] In view of disposal of bail application, intervention application also stands disposed of.

[NITIN W. SAMBRE, J.]