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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2508 OF 2021**

SHREYAS RAMESH PATEL

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Sunny A. Waskar a/w Manish Kanojia a/w Prajkta Shinde a/w
Namrata Vora for the applicant

Mr. Ajay Patil APP for the State

Ms. Shraddha Sawant for respondent no. 2

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 3, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 67/2021 registered with Charkop Police Station for Offences punishable under Sections 376, 384, 506 of the Indian Penal Code and Section 8, 12 Protection of Children from Sexual Offences Act, 2012 and Section 67(B) of the Information Technology Act, 2000.

2] Recovery of Whats-App chat from the mobile of the applicant, transcript of which is produced at page 158 is not in dispute. Perusal of the admitted messages between victim and Applicant clearly establishes that applicant was neither beneficiary of the amount

which was stolen by the victim from her parents nor the fact that he was in relation as is claimed with the victim.

3] Perusal of the said chat prima facie demonstrates that victim was acting on the instructions and was having relation with third person whose name is not disclosed which angle is not investigated.

4] Apart from above, the fact remains that applicant has turned major on 08/07/2020 and a vague statement is made that in February 2021, applicant has committed an offence of sexual assault.

5] In the aforesaid background, applicant already having suffered incarceration for period of more than 10 months. False implication of the applicant cannot be ruled out, as such case for bail is made out, as such case for bail is made out.

6] In the aforesaid background, since the very conduct of the complainant itself is not reposing faith in the prosecution story, applicant's false implication cannot be ruled out. Hence, case for bail is made out.

(i) Applicant be released on bail in C.R. No. 67/2021 registered with Charkop Police Station for Offences punishable under Sections 376, 384, 506 of the Indian

Penal Code and Section 8, 12 Protection of Children from Sexual Offences Act, 2012 and Section 67(B) of the Information Technology Act, 2000 upon furnishing P.R. bond in the sum of Rs. 10,000/- with one or more sureties in the like amount to be furnished within within ten weeks from today. Till then Applicant is directed to be released on provisional cash bail of Rs. 10,000/-.

(ii) Applicant shall neither influence the witnesses nor tamper with evidence in any manner.

(iii) Applicant shall not establish contact, directly or indirectly with the victim or her family members.

(iv) Applicant shall reside outside the jurisdiction of concerned police station till the charge is framed.

7] Application stands disposed of.

[NITIN W. SAMBRE, J.]