

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

**BAIL APPLICATION NO.2797 OF 2021**

BHALCHANDRA  
GOPAL  
DUSANE

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BHALCHANDRA  
GOPAL DUSANE  
Date: 2021.10.22  
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Mr. Hardik Naginbhai Luhar .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Nachiket Kulkarni i/by Mr. Dheeraj Dhutmal for Applicant.  
Mr. M.G. Patil, APP for State.  
PN B.T. Sonawane, Bhayander Police Station.

**Coram : NITIN W. SAMBRE, J.  
Date : 21ST OCTOBER, 2021**

P.C.:

1. The applicant is seeking regular bail in Crime No. 478 of 2017, registered with Bhayander Police Station, for the offence punishable under Sections 376. 420, 120(B), 506 read with 34 of Indian Penal Code. The applicant is already charge-sheeted.

2. The prosecution case is, the victim initially had financial transaction with the applicant. By promising higher returns, the

applicant has received certain deposit, however failed to honour the commitment of higher returns. Apart from above, it is further claimed that the applicant under the pretext of promising to marry, established physical relations with the victim.

3. The submissions of learned Counsel appearing for the applicant are, since the applicant had failed to honour commitment of higher financial returns, he is falsely implicated in the crime.

4. Learned APP would oppose the claim. He would try to demonstrate about the financial transaction between the applicant and complainant based on the investigation papers.

5. It is further claimed that the applicant promised to marry and has established physical relations in the hotel. There is sufficient evidence to demonstrate that the applicant and victim-girl spent time in hotel.

6. Considered rival submissions.

7. The offence is alleged in two parts and first part appears to be a financial transaction. It appears that the applicant has accepted deposit from the complainant with a promise to give higher returns, which he has failed to honour.

8. The investigation papers placed on record depicts that there were continuous financial transactions between the applicant and complainant as the applicant has accepted deposit and has made part payment.

9. In the aforesaid background, if we appreciate the allegation of an offence punishable under Section 376 of I.P.C., it is required to be noted that an agreement of higher financial returns came to an end and since the returns promised was not honoured, the complaint came to be lodged.

10. The medical certificate produced on record is not supporting the case of the prosecution.

11. It appears that the complaint is lodged based on the differences between the applicant and complainant on the issue of financial transactions.

12. In the aforesaid background, in my opinion, a case for grant of bail is made out. The application is allowed on following conditions :

**ORDER**

(i) The applicant be released on bail in Crime No. 478 of 2017, registered with Bhayander Police Station, for the offence punishable under Sections 376. 420, 120(B), 506 read with 34 of Indian Penal Code, on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence and shall not contact the victim directly or indirectly.

(iii) The applicant shall deposit his Passport with the trial Court and shall not leave India without permission of the trial Court.

( NITIN W. SAMBRE, J. )