

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.12 OF 2021

Mohit Mohan Agrawal

Applicant

versus

The State of Maharashtra

Respondent

Adv.Mansha Khemka with Adv.Bhagyashree Upadhyay with
Adv.Twinkle Khemka i/by Khemka & Associates for applicant.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th February 2021

PC :

1. This is an application for bail in CR No.619 of 2020 registered with Mulund Police Station for offences punishable under Sections 376, 328, 384 of Indian Penal Code with Section 67-A of Information Technology Act. The FIR was lodged on 19th September 2020.

2. The case of the complainant is that she got acquainted with the applicant through facebook account in July-2019 when the applicant had sent request. They became friends. There was exchange of messages. They chatted for long time. On 4th September 2019 applicant contacted complainant on mobile phone and invited her to his house for Ganesh Chaturthi. He told her that other friends are also visiting his house. The complainant told him that she cannot visit due to heavy rain. Applicant came to house of complainant and took her in his car to his residence. His family members were not at home. She was given some juice. After consumption she felt dizzy. She regained consciousness in evening. She returned home. It is alleged that in September-2019 the

applicant had forwarded their photographs to her. She sent Rs.3,09,000/- to him. During the course of investigation it was revealed that the complainant and applicant had visited several places. There was physical relationship between them. The complainant had, however, alleged that under coercion she was required to part with amount.

3. On perusal of the FIR it is apparent that both of them were acquainted with each other since July-2019. Although the first incident has allegedly occurred on 4th September 2019. The FIR was filed on 19th September-2020.

4. The contention of applicant is that the relationship was consensual. They had visited several places. The allegation of forwarding objectionable video/photographs are false.

5. Apparently the relationship between the applicant and complainant appears to be consensual nature. Learned APP, however, submitted that the applicant had induced the complainant to part with amount under coercion. Her nude photographs were clicked. The mobile phone of the applicant is seized. During the investigation it was revealed that complainant and applicant had visited several places which show that relationship was consensual. The applicant is in custody from 21st September 2019. Charge sheet is filed.

6. Considering the facts of the case, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection

with CR No.619 of 2020 registered with Mulund Police Station, on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend Mulund Police Station once in three months on first Saturday between 11 am and 1 pm till further orders;

(iv) The applicant shall not tamper with evidence and shall not approach the complainant till further orders;

(v) The applicant is permitted to furnish provisional cash bail security of Rs.25,000/- for eight weeks in lieu of sureties.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST