

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

CRIMINAL APPLICATION NO.446 OF 2018

Dr.Deepali Pankaj Athavale

.. Applicant

Versus

Chinamy Apurva Chaterjee and Anr.

.. Respondents

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Mr.Viresh V. Purwant a/w. Mr.Jay S. Patil, Advocate for the Applicant.

Mr.Y.Y. Dabake, APP for the Respondent No.2-State.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 4, 2021.

P.C. :

The applicant is original complainant. FIR was lodged with Rabodi Police Station, Thane, on 30th May, 2018, vide C.r.No. I - 100 of 2018, for the offences punishable under Sections 376, 354, 384, 323, 504 and 506 read with Section 34 of Indian Penal Code ("IPC", for short), and Section 66(c) and 67 of Information Technology Act ("IT Act", for short) and Section 4 and 6 of The Indecent Representation of Women (Prohibition) Act, 1986.

2 Respondent no.1 was arrested. He preferred an application for regular bail before the Sessions Court at Thane. Vide order dated 20th July, 2018, bail was granted to respondent no.1.

3 Learned counsel for the applicant has contended that the offence was of serious nature. The complainant has alleged about objectionable photographs and videos being forwarded to the husband and one of the witness. Learned Sessions Judge ought not to have granted him bail. Amount of Rs.8,00,000/- was transferred to the account of the proprietary firm of the accused. NC complaint was lodged by the applicant against the accused.

4 Learned APP submitted that investigation was completed and the charge sheet has been filed against the accused. The case is pending before the concerned Court.

5 I have perused the order dated 20th July, 2018, passed by the learned Additional Sessions Judge, Thane, granting bail to respondent no.1. Learned Judge has assigned reasons for grant of bail. Learned Judge has meticulously appreciated the factual aspects of the matter and by assigning cogent reasons, bail was granted to respondent no.1. While granting bail, it was observed that the accused and the complainant were acquainted with each other. They were in partnership business since 2007. The complainant was a married women. The accused showed interest towards her. The complainant has withdrawn herself from the

partnership business in 2009. Complaint under Negotiable Instruments Act was initiated. The accused has allegedly clicked photographs. The last incident of physical relationship was dated 3rd May, 2018. It was further observed that the question as to whether the complainant had no occasion to discuss about the physical and mental torture of the accused. Both were knowing each other since long. It is not a case of single incident. The conversation on phone and chatting goes to show that they were acquainted with each other. Thus, the learned Judge has assigned reasons for grant of bail. Impugned order was passed on 20th July, 2018, after three years have passed thereafter. Investigation is completed and charge-sheet is filed. There is no reason to interfere in the impugned order. Hence, application deserves to be rejected.

:: ORDER ::

- (i) Criminal Application No.446 of 2018, stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)