

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.713 OF 2021

(Pravin s/o Devaji Patil Vs. State of Maharashtra thr. PSO PS Ramtek, Dist. Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A.G. Hunge, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th AUGUST, 2021.

The applicant is seeking bail in connection with Crime 560/2020 registered with Police Station Ramtek, District Nagpur for offences punishable under sections 376, 376 (2)(n), 417, 500 and 506 of the Indian Penal Code and section 67(A) of the Information Technology Act, 2000.

2. The case of the prosecution is thus:

2.1 The complainant, who shall be referred to as Ms. 'T' lodged report dated 25.09.2020. She stated that she is working as an officer with a Nationalized Bank. She uploaded her profile on a matrimonial site. She was approached by the applicant who wooed her, told her that he was a medical practitioner holding post graduate degree and had hospitals in Pune and Chhattisgarh.

2.2 The applicant gained the confidence of Ms. 'T' by

representing that he wished to set up a hospital at Lakhandur, District Bhandara and in June, 2020 the applicant took her to Lakhandur and showed her an under construction building.

2.3 It is then alleged that the applicant then paid several visits to Ms. 'T' and in second or third of June, 2020 when he came to meet her, he insisted on physical relationship and when Ms. 'T' refused to oblige he emotionally blackmailed her by questioning whether she did not believe in his promise to marry her. Adopting similar *modus operandi* the applicant sexually exploited Ms. 'T' on several occasions thereafter.

2.4 According to Ms. 'T' the applicant obtained the details of the bank account and misusing her card withdrew from time to time Rs.6,00,000/-. At one point in time Ms. 'T' refused to pay further amount and the applicant threatened to make public her nude photographs. The applicant did make viral the nude photographs which were forwarded to the brother and one office colleague. It was then that Ms. 'T' approached the police.

3. Before I consider the submissions of the learned counsel for the applicant, it must be noted that there is overwhelming evidence on record to show that the applicant is already married and has two children. This came to light when the wife of the applicant called

Ms. 'T' and warned her that the applicant is sexually exploiting her. Considering that the applicant spun a web of lies, that he was already married when he induced Ms. 'T' to have sex, I am not elaborately considering the submissions of the learned counsel on the aspect of breach of promise to marry etc. It is more than obvious, that the representation was false from the very inception.

4. I have perused the statement of witness Vikas which substantiate the case of the prosecution that the nude photographs of Ms. 'T' were forwarded to her office colleague. Similar is the statement of the brother who received obscene and nude photographs.

5. I have come across overwhelming evidence on record to show, and this is a *prima facie* observations made for the purposes of considering entitlement to bail, that the applicant hatched a plan to sexually and monetarily exploit Ms. 'T'. The allegation is that the applicant is not a medical practitioner. He does not possess even the basic degree much less a post graduate in medicine. The applicant uploaded false information, reiterated the same, trapped Ms. 'T' and exploited her sexually. The applicant did not rest at that. The allegation is that he forged a document ostensibly showing Ms. 'T' as a partner of some hospital which was to be set up and induced her to part with lakhs of rupees and when Ms. 'T' refused to pay further amount the applicant blackmailed her and made public her obscene

photographs.

6. Considering the manner in which the applicant sexually and monetarily exploited Ms. 'T', represented to be a post graduate medical practitioner, represented to be a bachelor though he was already married with two children, allegedly forged documents and extracted an astronomical amount, there is no scope to exercise discretion in favour of the applicant.

7. The submission of the learned counsel that the first information report is delayed, merits rejection. Considering the facts which are narrated, there is absolutely no question of any delay as such. The other submission that some witness has not testified to some incident which is referred in the material in the charge-sheet, merits no consideration. I am not expected to conduct a mini trial and to find out whether every allegation, relevant or irrelevant, major or minor, is supported by corroborative evidence. Unfortunately, the learned counsel is burdening the time of the court with submissions which he really ought to reserve for the trial.

8. The application is dismissed.

JUDGE