

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.470 OF 2022

Pukhraj Godaram Devasi .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO.1200 OF 2022
IN
BAIL APPLICATION NO.470 OF 2022

Shruti Naresh Patel .. Applicant
Versus
Pukhraj Godaram Devasi & Anr. .. Respondents

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Mr.A.K.Chauhan with Mr.Mayuresh Powar, Ms.Vidya Rao.
Mr.Rahul Chauhan and Mr.Mithilesh Kushwaha for the
Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

Mr.Amitkumar Tiwari with Ms.Aparneswari Natrajan for the
Intervenor.

PSI Waghe, attached to Juhu Police Station, present.

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CORAM: BHARATI DANGRE, J.
DATED : 20th OCTOBER, 2022

P.C:-

1. As directed by this Court on 13/10/2022, with *prima*

facie observations being made as regards the offences punishable under Sections 376, 376(j)(n), the applicant has filed an affidavit on record. The affidavit, sworn on 18/10/2022 before the Prison Officer, categorically contains a statement to the effect that the applicant has received a sum of Rs.31,58,330/- from the informant and out of this amount, he has repaid a sum of Rs.4,30,987/-. It is admitted that an amount of Rs.27,27,343/- is due and payable to the informant.

2. In the affidavit, the applicant makes a categorical statement that he shall repay the said amount and the manner in which the amount shall be repaid is set out specifically in paragraphs 3 and 4 of the affidavit. The affidavit contains a specific statement that a sum of Rs.5,00,000/- shall be paid by the applicant within 10 days from the date of release on bail.

3. Though in paragraph 4 of the affidavit, five installments are undertaken to be cleared before 20/06/2024, I deem it appropriate to direct the applicant to pay the balance amount on or before 31/12/2023. He shall accordingly top up every installment or adjust the installments in such a way that the entire amount is cleared before 31/12/2023.

The statements made in the affidavit satisfy the prosecutrix, though the payment is without prejudice to the

rights and contentions of the respective parties.

In the wake of the above, the applicant deserve his release on bail, as his further incarceration becomes unnecessary. Though the counsel for the prosecutrix makes a categorical statement that there are CRs registered against him, the learned A.P.P., on instructions, specifically denies the said averment. The release of the applicant on bail is, however, subject to the condition that he shall in no way attempt to contact the prosecutrix and pressurize her in any manner, detrimental to her interest, and any attempt on his part to do so, would result in revocation of his liberty.

4. Needless to state that the observations made above are, *prima facie*, in nature and limited to the extent of adjudication of the present application and the learned Judge trying the applicant for the offences with which he is charged, shall not get influenced by the above observations, in any manner.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Pukhraj Godaram Devasi shall be released on bail in connection with C.R.No.370 of 2021 registered with Juhu Police Station on furnishing P.R.

Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

The applicant shall be released on cash bail of Rs.25,000/- for a period of six weeks. During the said period, he shall arrange for the sureties.

- (c) The applicant shall attend the trial regularly.
- (d) The applicant shall in no way attempt to contact the prosecutrix and pressurize her in any manner, detrimental to her interest and any attempt on his part to do so, would result in revocation of his liberty.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. IA stands disposed off.

(SMT. BHARATI DANGRE, J.)