

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

CRIMINAL BAIL APPLICATION NO. 517 OF 2022

Vasudev @ Vikas Vasant Avasthi ...Applicant

Versus

The State Of Maharashtra & Anr. ...Respondents

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Mr. Manas N. Gawankar, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th OCTOBER, 2022

PER COURT:

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1. The applicant is arrested on 10.09.2021 in connection with C.R. No. 371 of 2021 registered with Sangvi Police Station, Pune for offences punishable under Sections 376, 384 170, 506 of the Indian Penal Code and Section 39 of the Maharashtra Money Lending Act, 2014.
2. The complainant is the women aged about 35 years. On the basis of statement, FIR was registered on 10.09.2021. According to her she was in financial constrains and in need of money. In April 2018, she was referred to the applicant/accused for obtaining loan. The

complainant approached the applicant/accused. Amount of Rs.20,000/- was given to the complainant with interest of 10%. The complainant also handed over two blank cheques signed by her to the accused. Thereafter, accused used to collect the amount towards the interest from the complainant. She paid the interest regularly till 2019. Thereafter she was in financial difficulty and there was default on part in paying the amount of interest. The accused shouted at her. Subsequently, she paid some amount in installments to the accused to the tune of Rs. 80,000/-. In December 2019, the complainant was in need of money and requested for providing Rs. 80,000/-. Accused called her at his house with two blank cheques. On the next day the complainant visited the house of accused. He was alone in the house. She was provided some soft drink. After consumption, she felt giddiness. Accused subjected her to physical relationship. On the next day the accused met her. The complainant demanded the cheque and told the accused she was not need of money. The accused showed her objectionable photographs and threatened her. She was again taken to his house and accused subjected to her to physical relationship under coercion. Thereafter, in July 2021 onwards the accused used to message and call

her at his house. Accused also gave call to father of victim and told him to tell his daughter to abide his demands. On 08.08.2021, the accused called complainant to meet at his house and threatened that in the event she does not visit his house, he would deposit the cheques given by her with his bank.

3. From the tenor of the FIR it appears that there were transactions relating to loan with interest. It also appears that the complainant had handed over blank cheques to the accused. Learned advocate for the applicant pointed out that the demand notice was issued to the complainant about dishonour of cheques on 06.09.2021. The FIR was lodged on 10.09.2021. Although, the alleged incident had occurred in 2019, the FIR was registered on 10.09.2021. According to the complainant, she was made to consume soft drink. It was containing substance and then she was subjected to physical relationship. The incident was allegedly repeated. However, the FIR was lodged belatedly on 10.09.2021 i.e. almost after the period of two years after the first incident. Version of complainant is apparently doubtful.

4. Learned APP submitted that the statement of the victim was recorded under Section 164 of Cr.P.C. She was subjected to physical relationship under coercion.

5. Considering the fact that the FIR lodged belatedly and the factual matrix of this case, the applicant need not be subjected to further custody.

ORDER

(i) Criminal Bail Application No.517 of 2022 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 371 of 2021 registered with Sangvi Police Station, Pune, which is subject matter of Sessions Case No. 867 of 2021 pending in the Court of Sessions at Pune, on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.

(iv) The applicant shall report concerned Police Station once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(v) The applicant shall not approach the victim and

shall not tamper with the evidence in any manner.

(vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)