

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 865 of 2022

Dinesh Pandurang Devrukhkar .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms.Kavita P. Shinde for the applicant.
Mr.H.J. Dedhia, APP for the State.
PC Shri Patil from Crime Branch – 3 Palghar

CORAM: BHARATI DANGRE, J.
DATED : 11th OCTOBER, 2022

P.C:-

1 The present applicant came to be arrested on 14/10/2021 by the Arnala Police Station for committing offences punishable u/s.376(2)(n), 376, 506 II r/w Section 34 IPC and Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2 On completion of investigation, a charge-sheet has been filed and even Section 109 has been added in the charge-sheet.

3 Heard learned counsel for the applicant and the learned APP and perused the entire material compiled in the

charge-sheet.

The complainant, a woman aged 26 years inform that somewhere in July 2021, one of her acquaintance informed her that a Maharaj had visited his house and she can also visit him to worship him so that all she can get relieved from her financial difficulties. When she proceeded to the acquaintance house, she met another woman who was also proceeding to Ravi Jain's house. When they reached there, they found Maharaj Muthu Pandiyan, the present applicant and one other person present who were introduced to her. The Pooja was being performed by the Maharaj in the bedroom and for performing the Pooja, she gave an amount of Rs.10,000/-. One unknown woman was made to wait in the bedroom and other persons were made to sit in the hall. After some time, the complainant was called in the bedroom and unknown woman whispered to her that if she attend the Pooja, she would be benefited by Rs.Two crore. When the complainant entered the bedroom, the so-called Maharaj touched her at various places and sprayed some perfume and he was uttering some mantras. He started coming close to her and forcibly committed sexual intercourse with her. He threatened that if she disclosed about the said incident to anyone, he would cause harm to her family members. He also offered her to stay with him and he would redress all her grievances. When she disclosed the incident to Ravi, he questioned the Maharaj, who left along with Dinesh who is the present applicant but since she

was threatened, she did not disclose the incident to anyone.

In September 2021, she received a phone call from the Maharaj for attending the Pooja in Goregaon, but she did not respond. After some days, Ravi called the complainant as well as other woman and asked to repeat what had transpired in the presence of Maharaj. Thereafter, the complainant as well as Pallavi, Vaishali, Anita, Swati, all disclosed their experiences where the Maharaj had forcibly committed sexual intercourse with them on the pretext that he would confer his blessings upon them. On the complaint being lodged, the offence was registered.

4 The statements of several victims are recorded u/s.164 Cr.P.C, where they specifically refer to the sexual harassment to which they were subjected to, by the accused no.1. As far as the present applicant is concerned, though vaguely, reference is made to his name and he is accused of Section 109, as being aware of the act of sexual harassment, but so is the case of Ravi, in whose house the informant had visited, but surprisingly, he is not made an accused.

There is no material in the charge-sheet, indicating that the applicant was a part of the entire episode, nor it is the case of prosecution that he was associate of the Maharaj and he has also participated in his act of sexual harassment caused to different women. His presence in the house of Ravi, when the complainant visited him, is not sufficient to incarcerate him further, though he may take the consequences, if the prosecution

is able to prove during trial that he has abetted the act of rape by accused no.1. At present, he deserve his release on bail subject to the following conditions.

Observations made above are prima facie in nature and limited for the purpose of adjudication of the present applicant, and shall in no way, bind the Sessions Judge while he is trying the applicant for the offence with which he is charged.

Hence, the following order :

ORDER

- (a) The Applicant – Dinesh Pandurang Devrukhkar in connection with C.R.No.320/2021 registered with Arnala Sagari Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The applicant shall attend the concerned police station on first Monday of every month between

10 am to 12 noon till framing of charge. The Applicant shall attend the trial on regular basis.

- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)