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

BAIL APPLICATION NO. 1196 OF 2022

Soma Gautam Balel ..Applicant
VS.
State of Maharashtra ..Respondent

Mr. P.M.Haridas i/b Mr. Dilip B. Shinde, for applicant.
Mr. H.R. Shorma, for Complainant.
Ms. P.N. Dabholkar, APP for respondent-State.
Mr. Yogesh Kale, API, Navghar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 25, 2022

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for bail in connection with C.R. No. I-626 of 2021 registered with Navghar Police Station for the offence punishable under sections 384, 385, 389, 328, 120B, 506 r/w 34 of the Indian Penal Code, 1860.
3. The First Information Report was lodged on 07/09/2021. The applicant and her husband were arrested on the same day. The complainant's case in brief is that

the complainant and the applicant lived with each other for several years. There were some monetary transactions in respect of sale of land. The complainant is estate agent. It is alleged by the complainant that the applicant and her husband owed him some money. The applicant therefore called him to her residence to collect the money. Since the complainant knew the applicant and her husband for several years, the complainant went to her residence. It is alleged that the applicant offered him something to drink. Thereafter he felt giddy and fell asleep. After he woke up, he realised that the applicant and her husband, with an intent to blackmail him took a video of the complainant with the applicant in objectionable position. The applicant and her husband started blackmailing the complainant. An amount of Rs.1,00,000/- was paid by him initially, but thereafter their demands increased. The applicant and her husband threatened the complainant that they will circulate the video if their demands are not met. They demanded a sum of Rs.13,00,000/-. Hence the complaint.

4. Learned counsel for the complainant intervened and

strongly opposed the grant of bail as the complainant apprehends that the applicant may again harass him.

5. The mobile phone with the video has been recovered and sent to the forensic laboratory. The complainant is residing at Bhayander East. Learned counsel for the applicant submitted that the applicant has a 10 year old daughter, at present staying with one of their acquaintance in Thane. Learned APP submitted that the applicant and her husband had shifted to Calcutta and if she leaves the jurisdiction of Thane, she may abscond.

6. The husband of the applicant is in custody. The applicant is having a daughter of 10 years of age. There is nothing to be recovered. The mobile phone with the video has been recovered. No purpose would be served by continuing her custody any further as the charge-sheet has already been filed. The applicant is in custody for more than a year. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant – Soma Gautam Balel in connection with C.R.No. I-626 of 2021 registered with Navghar Police Station shall be released on bail on furnishing P.R.bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(c) 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.

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

(e) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(f) The applicant shall not establish contact or try to threaten the complainant. In case, it is reported that the applicant is in any manner trying to contact the complainant or threaten

him, the complainant may file an application for cancellation of bail.

(g) The applicant shall not enter area of Mira Road and Bhayander.

(h) Learned counsel for the applicant has made a statement that the applicant will reside in Thane district except Mira Road and Bhayander.

6. The application is disposed of.

(M. S. KARNIK, J.)