

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

BAIL APPLICATION NO.1939 OF 2022

Saurabh Subhashchandra Sukhija	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Dinesh P. Adsule, for the Applicant.
Ms. Geeta Mulekar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATED : 14th SEPTEMBER, 2022

P.C.:

1. Heard.
2. The applicant was arrested on 19/07/2021 in crime no. 235 of 2021 based on the incident which commenced from June, 2019 for the offence punishable under sections 376, 328, 354D, 380, 385, 500, 504 & 506 of IPC r/w sections 66(C) & 67(A) of the IT Act.
3. The applicant is already charge-sheeted.
4. The case of the prosecution is, the applicant claiming himself to be an unmarried person developed intimacy with the complainant through Facebook and by taking undue advantage of her disturbed married life as her husband is in foreign country, blackmailed her based on nude photographs and videos and

committed crime in question.

5. The submissions of the counsel for the applicant are, ingredient of the offence punishable u/s 376 is not made out. So as to substantiate his contentions he has invited my attention to the complaint delivered by the victim to DCP, cyber crime, the chats *inter se* between the applicant and complainant so also the various photographs and the recoveries made.

6. According to him, the photographs and videos were taken by the applicant with consent of the victim as could be apparent from the fact that the pen drive containing such photographs and videos are delivered / seized from the custody of the complainant.

7. He would further urge that it is the complainant who has invited the applicant from Punjab to Pune. He has brought to my notice that the complainant and the applicant stayed together for almost two years.

8. As such, according to him once the investigation is over and in absence of antecedents, the applicant deserves to be released.

9. Learned APP would oppose the aforesaid prayer based on the investigation carried out.

10. It appears that the applicant herein is a married person and perhaps there was a matrimonial discord. Applicant through

Facebook developed friendship and intimacy with the victim.

11. The applicant having realized that the victim is a single lady as her husband was residing in foreign country started visiting her place at Pune, promised her of marriage as her matrimonial life was also disturbed and extorted not only money but also jewellery.

12. Taking undue advantage of the loneliness of the victim, the applicant has taken nude photographs and videos and made them viral on whatsapp.

13. The aforesaid conduct has maligned the image of the victim as she is not able to face the society at large.

14. Apart from above, the fact that the applicant informed the complainant about his disturbed married life and has promised to marry her, whereby she has permitted him to establish physical relationship, rightly promoted the prosecution to invoke provisions of section 376 of IPC against him.

15. The *inter se* chat between the complainant and the applicant which is part of the charge-sheet relied on by the applicant categorically establishes case of the prosecution to the aforesaid extend.

16. The another victim Shobhan Bhatia whose statement is recorded u/s 161 has narrated the similar fate at the hands of the

applicant. The applicant appears to be of having criminal mentality in the matter of commissioning of similar offences.

17. That being so, no case for bail is made out. The application stands rejected.

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(NITIN W. SAMBRE, J.)