

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

BAIL APPLICATION NO. 2853 OF 2021

Sandeep Kumar Shah	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Dr. Nilesh Pawaskar i/b. Ms. Sudha Dwivedi and Khushboo Jain
for the Applicant.

Mrs. Veera Shinde, APP for the State.

Mr. Vijay Kadam, PSI, Kurar Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.429/2020 pending on the file of Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai for offences under sections 376, 420, 506, 509 of the Indian Penal Code and section 67(A) of the Information Technology Act.

2. Heard Mr. Nilesh Pawaskar, learned counsel for the Applicant and Mrs. Veera Shinde, learned APP for the State. I have perused the records and considered the submissions advanced by learned counsel for respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by the prosecutrix. A perusal of the FIR indicates that the Applicant and the prosecutrix were known to each other. They had indulged in sexual relationship since 2018. The prosecutrix claims that some time later, she learnt that the Applicant is married and has three children. When she questioned the Applicant about the same, he agreed that he was married and told her that he was not happy with his wife. In the year 2019, the prosecutrix married one Mr. Solanki. The records reveal that even after her marriage, the prosecutrix maintained sexual relationship with the Applicant. Though she claims that the Applicant had sent obscene photographs to her husband and had forcible relationship with her under a threat of making her obscene photographs viral, prima facie, there is no material to substantiate the said contention. The records prima facie reveal that the relationship between the prosecutrix and the Applicant was consensual.

4. The Applicant is in custody since 14/08/2020. It is stated that till date, charge is not framed. Considering the large pendency, the trial is not likely to commence within a reasonable time. The Applicant has no criminal antecedents. Under the circumstances, the Applicant is

entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.429/2020 pending on the file of Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai is ordered to be released on bail on furnishing PR. bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall report to Kurar Police Station, Mumbai once in two months on every 1st Monday between 11.00 a.m. to 12.00 p.m. until further orders;
- (iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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