

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2024 OF 2022

Karan Surendra Shetty	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Vinod Kashid, for the Applicant.
Smt.Rutuja Ambekar, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 22nd SEPTEMBER, 2022.

P.C.

- 1] Heard the learned counsel for the parties.
- 2] The Applicant seeks his release on bail on being charged for the offence punishable under Sections 376, 417, 420, 171, 504, 506 of the Indian Penal Code.

He surrendered before Powai Police Station on 04.11.2020 and since then he continued to be incarcerated in Arthur Road Jail.
- 3] The subject CR came to be registered on the complaint filed by the Prosecutrix on 22.10.2020 when she stated that on 25.06.2019 she met the Applicant on social media and the Applicant introduced himself as Captain in Indian Army. Thereafter, she started chatting with him on the mobile phone and WhatsApp. The Applicant shared his financial

and psychological condition with the Prosecutrix and as per her version, she helped him on various occasions when he was in financial distress. She also transferred amounts into his account. According to her, from 15.08.2019 to 14.11.2019 the Applicant borrowed an amount of Rs.10,62,500/- from the Prosecutrix on one or other pretext.

On 23.08.2019 the Applicant visited the office of Prosecutrix and told her to accompany him to a hotel, on which she informed him that they will meet in a Caffe, but he booked a room in a hotel and she was coerced to accompany him. After having dinner in the room, it is alleged that he committed forcible sexual intercourse with her against her will.

The Applicant is alleged to have continued his spree of demanding money and also demanding physical favours and when she refused, she was threatened that he would break up the relationship. He also obtained credit card of the Prosecutrix with the pin number and transferred various amounts. The allegation is that the Prosecutrix was duped to the sum of Rs.13,22,500/-

These are the accusations which has landed the Applicant behind bars.

4] After hearing learned counsel for the parties, when the charge-sheet is carefully perused, it can be seen that the Prosecutrix is aged 28 years and she was introduced to the Applicant on a dating App and she was impressed by his attractive photograph. She got acquainted with him since June 2019 and the incident of forcible sexual intercourse is reported to be of 23.08.2019 and it is alleged that under the pretext of marriage the sexual relationships were established. However, after more than a year, she lodged the complaint where she even complained against the Applicant of transferring huge amount into his account.

5] The learned APP has invited my attention to the statement of one lady aged 30 years and she would submit that she was on friendly terms with the Applicant in the year 2016 and they fell in love with each other and in the year 2017 marriage talks were initiated and even engagement was scheduled, however, for some reason it could not be performed. The said witness also stated that the Applicant borrowed huge amount from her on the pretext that he did not have any money to arrange for engagement ceremony and she had parted with the sum of Rs.8.50 Lakhs. There are no allegations of any sexual relationship being established, but she had lodged complaint with Versova Police Station for cheating her to the tune of Rs.24,55,500/-.

The statement of the Prosecutrix is also recorded under Section 164 of the Cr.P.C..

6] The investigation being completed and material against the Applicant being crystalized in the form of charge-sheet and as it is informed that till date charge has not been framed, the trial would take some considerable time, the Applicant need not be incarcerated. The Prosecutrix is major and capable of understanding the consequences of her act. The Applicant will also take consequences of he cheating upon her and forcing her into sexual relationship on the pretext of marriage.

7] The learned APP, however, expressed apprehension by stating that the Applicant is not resident of Maharashtra and hence appropriate conditions may be imposed upon him so that he shall be available for trial.

8] In the wake of above, following order is passed :

ORDER

- (a) Application is allowed.
- (b) Applicant-Karan Surendra Shetty shall be released on bail in connection with C.R.No.560/2020 registered with Powai Police Station, the applicant Karan Surendra Shetty shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or more sureties of the like amount, out of which one shall be a local surety from the state of Maharashtra.
- (c) The applicant shall report to the concerned police station on first Monday of every trimester, between 3.00 p.m. to 5.00 p.m., till charge is framed against him.
- (d) 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 and should not tamper with evidence.
- (e) Upon release, the Applicant shall intimate his telephone number and residential address to the Investigating Officer, also keep the Officer updated, about any change therein.

[BHARATI DANGRE, J]

This order stands corrected as per Speaking to Minutes order dated 11.10.2022.