

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3447 OF 2021

Ranjeet Chinu Thakur

@ Ranjeet Kumar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr. Atin Pathan with Rafiq, Danyaal Tahsildar for the applicant.

Mr.P.H. Gaikwad, APP for the State.

ASI Vishnu Parab from Gorai police station present.

CORAM: BHARATI DANGRE, J.

DATED : 1st MARCH, 2022

P.C:-

1 Heard learned counsel for the applicant and learned APP for the State.

2 The applicant is charge-sheeted in connection with C.R.No.31 of 2021 registered with Gorai police station u/s.376(2)(n), 354D, 325, 500, 504, 506 IPC and Section 66C, 67A of the Information Technology Act, 2000. With the assistance of the learned counsel for the applicant, I have perused the application along with the charge-sheet which compile the material of investigation conducted in the present C.R.

Tilak

The case of the prosecution is to the effect that the applicant and complainant were working at a service centre and they got acquainted with each other and gradually became friends. Their acquaintance in the year 2015 blossomed into a love relationship and physical relationship was also developed in due course. However, when the complainant realized that the applicant was already married and had two children, she refused to allow any physical indulgence, upon which she was threatened by the applicant that he will use the photographs in his possession to defame her and in fact, the complaint contain an allegation to that effect that some of her photographs in objectionable position were forwarded to her brother-in-law as well as to one of her friend.

3 The complainant got married to a third person in the month of November 2020 and the allegation levelled is that the applicant still demanded sexual favours from her and when she refused, he also forwarded the obscene photographs of the complainant to two other persons. The statement of said persons are recorded during the course of investigation.

When a specific query is made to the learned APP about any such photographs being uploaded on the social media/ website and whether they have been collected during the course of investigation, the answer is in the negative.

Barring the statement of one of the friend of the complainant who had placed on record the Whatsapp chat with the applicant, and the same being compiled in the charge-sheet, which do not comprise of any objectionable photographs or messages as alleged. It is the allegation that the photographs were also forwarded to the informant's brother-in-law, but his statement is not recorded.

4 The complainant, at the time of the incident, was major and so also the applicant. The investigation reveal that since they were working in the same Company, they were acquainted and the acquaintance developed into friendship and for a long period of time, the couple shared a physical relationship. But when the complainant became aware that the applicant had cheated upon her since he is already married, the relationship became strenuous and did not thrive. At subsequent point of time, even the complainant is married.

5 The applicant undisputedly will have to take consequences of the accusations levelled against him during the course of trial, since now, the entire material against him is compiled in the charge-sheet, charging him with an offence of Rape, outrage modesty of a woman and also invoking Section 323 of the IPC along with the relevant provisions of Information Technology Act.

6 The apprehension expressed by the Sessions Court in rejecting his application to the effect that he will pressurize the complainant, can be taken care of by imposing restrain upon him in not establishing any contact with the complainant in any manner and granting liberty to the complainant/prosecution to apply for cancellation of bail if he make any such attempt.

 The apprehension of prosecution, that he being not a permanent resident of Maharashtra, and can flee, can also be taken care by the following order :-

ORDER

- (a) The Applicant - Ranjeet Chinu Thakur in connection with C.R.No.31 of 2021 registered with Gorai 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 make himself available as and when required by the Investigating Officer.

- (d) The applicant shall not establish any contact with the complainant or any of her relatives and in any manner, pressurize the complainant or the witnesses to be called in the trial.
- (e) The applicant shall not leave State of Maharashtra till the conclusion of trial.

7 The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J