

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2736 OF 2022

Udayan Suresh Jain ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Manoj Mohite, Senior Advocate a/w Mr. Omkar Nevgi, Advocate for
the Applicant.

Mr. A. A. Palkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2022.

PER COURT:

1. The Applicant is directed to delete the photographs at pages 43 to 47 from this Application immediately.
2. The applicant apprehends arrest in connection with CR No.278 of 2022 registered with Khadak Police Station, Pune City, on 14th September, 2022 for offences punishable under Section 376(2)(n), 354(A), 338, 506 of the Indian Penal Code.
3. The case of the prosecution is that the complainant aged around 26 years, completed her education in college of Architecture and joined Architecture Proprietary firm, 'Designs Bank'. The applicant is Proprietor of the said firm. The applicant / accused used to frequently call complainant at his table under

pretext of work. The accused used to touch her and outraged her modesty. She was working in the firm from December, 2019 to June, 2022. On 5th March, 2021, the accused took complainant to Darnala, Andhra Pradesh for their clients work. She was taken to various cities for work. The accused booked single room in hotel at Andhra Pradesh. She was induced not to book another room. In the same night, complainant was lubricated to physical relationship. She protested. The accused apologized. On 28th March, 2021, the complainant was again taken to Darnala, Andhra Pradesh. The accused again booked single room. Victim was told that he is booking another. She consumed cold drink and felt giddiness. She found herself without clothes. She did not go to office for two months. The accused was insisting that she should join office. In June 2021, accused visited complainant's house and showed her objectionable photographs clicked in hotel at Andhra Pradesh. He threatened her tht photographs would be made viral on social media. She joined the office. The accused started calling victim at his residence, when his wife was not at home and under threat subjected her to physical relationship. Thereafter, accused promised the complainant that she would be made partner in business and on 17th February, 2022 and 18th February, 2022, she was subjected to sexual relationship against her will at Ujjain,

Madhya Pradesh. When they returned to Pune, the victim was again sexually assaulted. She did not file complaint due to fear, immediately after the incident.

4. The contention of the applicant is that the relation is of consensual nature which is evident from the text messages exchanged between them. If the allegations in the FIR are to be accepted as it is, the alleged incidents had occurred at several places. In spite of previous incidents complainant had allegedly accompanied the accused on subsequent occasions. No complaint was filed. The complainant had resigned on 19th August, 2022. In the letter of resignation, she appreciated the applicant for providing her opportunity to build her career.

5. Learned APP submitted that the victim was employed in the office of the applicant. The allegations in the FIR makes out the offence punishable under Section 376 of the Indian Penal Code. The cell phone of the Applicant and DVR from the office of the Applicant are required to be seized.

6. Learned counsel Mr. Mohite appearing for the applicant on instructions submitted that the cell phone will be handed over to the Investigating Officer, however, there is no DVR in the office as stated by learned APP. All cooperation will be rendered to the

Investigating Officer for investigating offences.

7. From the factual matrix reflected in FIR, it appears that the alleged relationship was of consensual nature. Custodial interrogation of the applicant is not necessary.

8. Hence, the following order:

::ORDER ::

- (i) Criminal Anticipatory Bail Application is allowed
- (ii) In the event of arrest of applicant in CR No.278 of 2022 registered with Khadak Police Station, Pune City, the applicant be released on bail on his executing PR Bond in the sum of Rs.20,000/- with one or more surety in the like amount.
- (iii) The Applicant shall hand over his cell phone to the Investigating Officer for the purpose of investigation.
- (iv) The Applicant shall cooperate with the investigation.
- (v) The Applicant shall appear before the Investigating officer on 11th, 12th and 13th October, 2022 between 11.00 am to 1.00 noon and thereafter as and when called by the Investigating Officer till the filling of chargesheet.
- (vi) Criminal Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)