

Vidya Amin/Rajshree More

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

BAIL APPLICATION NO. 4390 of 2021

Sanjay Girish Dhodmani	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Anil Lalla a/w. Anjali Patil i/b. Aashay Topiwala for the applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Ajinkya Udane for the complainant.
Mr. Faniband, P.I., SB-1, CID present.
Mr. Patil, PSI, Malvani Police Station present.

CORAM : BHARATI DANGRE, J.

DATE : SEPTEMBER 26, 2022.

P.C.:

1] The applicant came to be arrested on 13th September, 2021 for the offences punishable under sections 376, 376(2)(k) and 506 of Indian Penal Code in connection with C.R. 1212 of 2021 registered with Malvani Police Station.

On completion of investigation, charge-sheet has been filed and the material against the applicant is compiled therein.

2] On perusal of the charge-sheet, it can be seen that the C.R. came to be registered on a complaint filed by victim girl, aged 29 years, who has stated that she came to be appointed in a Call Centre situated at Andheri as a team leader and she was supervised in her work by the

present applicant, aged 40 years. The complainant has alleged that from the beginning of her work, the applicant tried to establish proximity with her but since she was to work under him, she never objected since she apprehends that she will be removed from job.

3] The incident of 1st March, 2021 was narrated by the victim where she was asked by the applicant to accompany her for a joy ride and when she refused, he threatened her that she shall be removed from job and therefore, she accompanied him in the car where she was taken to a hotel and he forcefully had physical relationship with him. This incident was not disclosed by her to anyone.

4] The incident was once again repeated on 25th March, 2021 when she was asked to take half day off and was taken to hotel in Andheri (E) and again she was subject to sexual intercourse on the pretext that she shall be removed from job. Another incident is reported of 22nd April, 2021 when she was asked to sit in a car and report to hotel at Jogeshwari where for the third time physical relationship was established by the applicant. In the month of August, 2021, when she missed her menses and tested positive for pregnancy, she apprised the applicant about her pregnancy of five months and he told her that he will send money and she should abort.

5] Accordingly, it is alleged that the Applicant forwarded a sum of Rs.20,000/- by Gpay on the phone of her colleague and again on 19.08.2021 Rs.9900/- were forwarded

When specifically asked whether the complainant permitted abortion to be carried out, the answer is in negative. It is informed that on 28.11.2021 she delivered a girl child, who is presently with the complainant.

6] The accusation faced by the Applicant are that Applicant who was holding influential position and working as her Boss, had driven her into a relationship and then asked her to commit abortion when she conceived. It can be seen that the Applicant is a woman aged 23 years and from the statement of witnesses compiled in the charge-sheet, who were her associates working in the said office, it can be seen that those working in the office were aware of the proximity shared by the Applicant with the prosecutrix.

Though the complainant has put her case that she was threatened to maintain the relationship, taking note of the fact that it was only in August, 2021 she reported about the incident, though the relationship between the Applicant and Prosecutrix continued from 01.03.2021 and the actual incident took place in the month of March-April 2021, but it appears that only when she conceived, she reported to

the Police Station.

The Prosecutrix is not minor and since she was working in a city like Mumbai, she is capable of understanding the consequences of her act that she permitted indulgence clearly at the instance of the Applicant cannot be accepted. It is pertinent to note that even as per her statement, she never alleged that it was under the promise of marriage that the relationship was established, but her version is that on the pretext that she would lose the job, she was coerced into the relationship.

This aspect will be determined at the time of trial and even the Applicant will have to face the consequences of the act, if established that, the sexual indulgence was not of free of consent and will. However, as the Applicant has remained incarcerated since 13.09.2021 and now since the investigation is complete and charge-sheet is filed, further detention is not necessary.

7] The learned counsel for the Applicant, on instructions, state that the Applicant do not dispute paternity of the child, despite the fact that DNA is awaited. Without prejudice to his rights and contentions, available to him depending upon the report of the analysis, Mr. Lalla submits that the Applicant is ready to hand over a sum of Rs.10 Lakhs towards the child, who is born out of the alleged relationship as a kind

gesture. The mother of the victim, who is present in the Court, has accepted the Demand Draft for bringing up of the child who is born out of the alleged relationship. She, however, states that she has accepted the amount, by reserving the right of her daughter and her child to claim amount of maintenance towards herself or the child, from the Applicant if the relationship between them is established.

It is made clear that acceptance of the said amount do not in any way suggest that the complainant shall accord her no objection for quashing of the FIR. Subject to the aforesaid condition, she has readily accepted the amount.

As the Applicant has shown a good gesture, apart from the merits of the case, I deem it fit to secure his liberty subject to condition that he shall in no way make any attempt to pressurize the prosecutrix and if it is so noticed, he would be deprived of the liberty conferred upon him by this Court.

8] This Court would like to place on record a word of appreciation towards Mr.Ajinkya Udane, who has assisted the complainant. He has convinced the mother of the complainant who is present in the Court to accept the said amount, without prejudice to the rights and contentions of the complainant which she will be permitted to agitate in the competent court. The High Court Legal Services Authority is requested

to pay the legal remuneration to Mr.Ajinkya Udane within a period of four weeks from today.

Hence, the following order :

ORDER

- (a) Application is allowed.
- (b) Applicant – Sanjay Girish Dhodmani shall be released on bail in connection with C.R.No.1212/2021 registered with Malvani Police Station, the applicant Sanjay Girish Dhodmani 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.
- (c) The applicant is permitted to be released on cash bail of Rs.50,000 for the period of 6 weeks in lieu of sureties and during the said period, he shall arrange for sureties.
- (d) The applicant shall report to the concerned police station as and when called for.
- (e) 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.
- (f) The Applicant shall regularly attend trial, on every date, unless exempted.

[BHARATI DANGRE, J.]