



PMB

9.ba.316-23.odt

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

BAIL APPLICATION NO.316 OF 2023

MUTHU PANDIAN TEVER

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sunny Aaron Waskar a/w Adv. Shamish Mahesh
Marwadi for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023.

P.C. :

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

2. This is an application for bail in respect of the offence
punishable under Sections 376(2)(n), 377, 354, 506(2),
177, 114, 109, 34 of the Indian Penal Code (hereafter 'IPC'
for short) and under Section 3(2) of the Maharashtra
Prevention and Eradication of Human Sacrifice and Other
Inhuman, Evil and Aghori Practices and Black Magic Act,
2013 registered on 14.10.2021 vide C.R. No.320 of 2021
with Arnala Police Station.

3. The applicant is accused No.1. The co-accused No.2- Dinesh Pandurang Devrukhkar has been enlarged on bail by an order passed by this Court on 11.10.2022.

4. I have perused the paper book. I have perused the statements of the witnesses recorded under Section 161 and 164 of the Code of Criminal Procedure (hereafter "Cr.P.C.", for short). The facts in brief are as follows.

The complainant, a woman aged 26 years alleged that somewhere in July 2021, one of her acquaintance informed her that a Maharaj had visited his house and she can also visit him to worship him so that she can get relieved from her financial difficulties. When she proceeded to the acquaintance's house, she met another woman. In the house of Ravi Jain, they found the present applicant, the accused No.2 and one other person present who were introduced to her. The Pooja was being performed by the applicant in the bedroom and for performing the Pooja, she gave an amount of Rs.10,000/-. One unknown woman was made to wait in the bedroom and other persons were made to sit in the hall. After some time, the complainant was

called in the bedroom and unknown woman whispered to her that if she attends the Pooja, she would be benefitted by Rs. Two crores. When the complainant entered the bedroom, the applicant touched her at various places and sprayed some perfume and he was uttering some mantras. He started coming close to her and forcibly committed sexual intercourse with her. He threatened that if she disclosed about the said incident to anyone, he would cause harm to her family members. He also offered her to stay with him and he would redress all her grievances. When she disclosed the incident to Ravi, he questioned the Maharaj, who then left along with co-accused No.2 but since she was threatened, she did not disclose the incident to anyone. In September 2021, she received a phone call from the applicant for attending the Pooja in Goregaon, but she did not respond. After some days, Ravi called the complainant as well as other woman and asked to repeat what had transpired in the presence of Maharaj. Thereafter, the complainant as well as the four victims all disclosed their experiences where the Maharaj had forcibly committed

sexual intercourse with them on the pretext that he would confer his blessings upon them. On the complaint being lodged, the offence was registered. The statements of several victims are recorded u/s.164 Cr.P.C, where they specifically refer to the sexual harassment to which they were subjected to, by the accused no.1.

5. It is the contention of learned counsel for the applicant that there is a delay in registering the FIR. It is further the contention of learned counsel for the applicant that the applicant is falsely implicated and it is not possible for him to commit the physical relations with three to four women in a span of three to four hours.

6. The accusations against the applicant are serious. The materials on record demonstrate that the victims upon gathering the necessary courage have come forward with the accusations. It is not possible for me to conduct a mini trial as learned counsel for the applicant would want me to. Even the arguments regarding potency of the applicant to perform the act is a subject matter of trial. The accusations

are serious and at this stage, prima facie, there is no reason to doubt the version of the victims.

7. Learned counsel for the applicant made a grievance that I have not sufficiently heard him. Considering the serious nature of the accusations and the materials as it stands, I am not inclined to enlarge the applicant on bail.

8. The application is rejected.

(M. S. KARNIK, J.)