



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 699 OF 2023

Manisha Abhijeet Tajane alias Manisha
Jadhav

...Applicant

Versus

State of Maharashtra and anr.

...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 717 OF 2023

Abhijeet Arun Tajane

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Harshvardhan Suyavanshi, for the Applicant.

Smt. Ashwini Takalkar, APP for the State/Respondent No.1.

Mr. Ranjeet Patil, for Respondent No.2.

PSI Ravi Panhale, Ravet Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED : 11th OCTOBER, 2023

ORDER:-

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

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2. The applicant in ABA/717/2023 is reported to be dead.

3. Hence, ABA/717/2023 stands disposed having been rendered infructuous.

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4. This is an application for pre-arrest bail in connection with CR No.84 of 2023, registered with Ravet Police Station, Pune, for the offences punishable under Sections 376, 304A(1)(ii), 420, 406 and 506 read with Section 34 of Indian Penal Code, 1860 (“the Penal Code”).

5. The applicant is a medical practitioner. The applicant and her husband Dr. Abhijeet Tajane, the applicant in ABA/717/2023, were running Mangalmurti Multi-speciality Hospital at Ravet. First informant – respondent No.2 is a Pharmacist. The first informant started a Pharmacy in the said hospital for which she had paid Rs.20,00,000/- to the applicant and her husband. The first informant further alleged that the applicant and her husband had made her to incur the expenses for the hospital and received cash, aggregating to Rs.28,40,659/-. In the month of August, 2021, the first informant closed the Pharmacy in the applicant’s hospital. The applicant had drawn a cheque for Rs.20,00,000/- towards refund of the deposit. The applicant and her husband promised to repay the amount which they owed to the first informant in installments within a period of one year.

6. The first informant alleged that on 7th November, 2021, she had been to the house of the applicant. She was offered a sweet. She felt giddiness. Dr. Abhijeet Tajane – accused No.1, made her to sleep in their bedroom. Later on, PRO of the said hospital advised the first informant to be careful as the applicant had first informant's objectionable photos in her mobile phone. When confronted, the applicant and her husband flatly denied.

7. On 19th May, 2022 accused No.1 Dr. Abhijeet had came to the first informant's house. At night, accused No.1 Dr. Abhijeet allegedly had forcible intercourse with the first informant without her consent by threatening to make the objectionable photos viral. On 24th November, 2022 accused No.1 again sexually exploited her at her medical store at Chinchwad. Eventually the first informant apprised the exploitation at the hands of the applicants to her husband and lodged the report.

8. When the applications were listed before the Court on 10th July, 2023 an affidavit in the form of undertaking was filed by accused No.1 Abhijeet that he would pay Rs.20,00,000/- within three months without prejudice to his rights and contentions. Subsequently, on 30th August, 2023 accused No.1 Abhijeet filed an affidavit to the effect that he was critically ill and struggling

to survive and efforts were being made to arrange funds for his treatment. It seems Dr. Abhijeet, applicant No.1, passed away.

9. The learned Counsel for the applicant submitted that the applicant has not given the undertaking. The transaction was between the first informant and accused No.1 Abhijeet. The applicant has a minor 5% share in the profits of the business of Mangalmurti Multi-speciality Hospital. At this stage and in view of the events which have unfolded since the grant of interim protection, the applicant deserves exercise of discretion.

10. The learned APP and the learned Counsel for respondent No.2 resisted the prayer of the applicant. They laid emphasis on the fact that the applicant was instrumental in circulating the objectionable photographs of the first informant. The learned APP invited the attention of the Court to the statements of the witnesses to the effect that the applicant had shown the objectionable photographs of the first informant. Attention of the Court was also invited to the transcript of the conversation between the applicant and the witnesses wherein also there is reference to those objectionable photographs.

11. The learned Counsel for the applicant joined the issue by canvassing a submission that the applicant has already

surrendered the mobile phone handset. Therefore, at this stage, further custodial interrogation of the applicant is not warranted.

12. The gravamen of indictment is in two parts. One, inducing the first informant to enter into commercial transaction and to part with money by making false representation and allegedly defrauding the first informant of the said amount. Two, allegations of outraging the modesty of the first informant and rape qua accused No.1 Abhijeet. Since accused No.1 Abhijeet has passed away, an endeavour was made on behalf of the prosecution to press into service the material which shows that the applicant had allegedly shared the photographs.

13. The allegation of the sexual exploitation against the husband of the applicant in the FIR are required to be considered in the entire setting of the matter. Mobile phone handset has been surrendered by the applicant. The applicant has also appeared before the Investigating Officer. At this length of time, in the context of the allegations, further custodial interrogation of the applicant does not seem to be warranted.

14. So far as the allegations of defrauding the first informant, the latter has initiated action for the dishonor of the cheque drawn to refund the deposit. The further allegations of inducing

the first informant to part with cash amount and incur expenses for the hospital warrant adjudication at trial.

15. In the aforesaid view of the matter and having regard to the fact that principal accused has passed away, I am inclined to exercise the discretion in favour of the applicant.

16. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in ABA/699/2023 in CR No.84 of 2023, registered with Ravet Police Station, Pune, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall henceforth attend Ravet Police Station as and when directed by the Investigating Officer.
- (iii) The applicant shall not contact the first informant and tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

ABA/699/2023 stands disposed.

[N. J. JAMADAR, J.]