



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

BAIL APPLICATION NO. 2832 OF 2023

MAHESH VASANT JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Anjali Patil for the Applicant.

Mr. Viral Mukte for the Original Complainant/Victim.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 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 and 420 of the Indian Penal Code registered vide C.R. No. 188 of 2022 dated 27/09/2022 registered with Badlapur Police Station (Later it was transferred to Titwala Police Station and registered as C.R. No.462 of 2022 dated 28/09/2022 with Kalyan Taluka Police Station, Thane).

3. The applicant was arrested on 07/10/2022. It is the

case of the prosecution that the complainant got acquainted with the applicant on facebook. The applicant on the pretext that he would secure a job for her in the company and lend money on the interest, befriended her. There was some transaction between them. It is alleged that some jewellery was handed over by the complainant to the applicant. It is then alleged that on the pretext of receiving jewellery, the applicant committed an act which is an offence under the aforesaid sections. It is then alleged that the victim handed over some more gold ornaments. When the victim's mother realised that the gold ornaments were missing she questioned the victim. The victim informed her mother that jewellery was handed over to the applicant and that he committed the aforesaid offence.

4. The FIR came to be registered on 27/09/2022. Learned counsel for the applicant submitted that the physical relations between the parties were consensual in nature and it was on account of a failed monetary transaction that the present offence was registered. The jewellery which was allegedly handed over to the applicant

has been returned.

5. An affidavit has been filed by the victim that the matter has been settled between the parties. It is further submitted on behalf of the complainant that the relationship between the applicant and the victim was consensual in nature and the FIR was registered as a result of some misunderstanding. The complainant/victim is personally present in the Court and duly identified by the learned advocate representing her. Learned counsel for the victim submitted that the victim has no objection if the applicant is enlarged on bail.

6. Though I have taken the affidavit on record, I proceed to decide the matter on the basis of the materials in the charge-sheet without relying on such affidavit, considering the nature of the accusations.

7. *Prima facie*, the relationship between the parties appears to be consensual in nature. The gold ornaments have been returned by the applicant to the prosecutrix. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-

sheet has been filed, I am inclined to enlarge the applicant on bail, though the learned APP opposes the application. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Mahesh Vasant Jadhav in connection with C.R. No. 188 of 2022 registered with Badlapur Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall attend the trial regularly.

8. The application is disposed of.

(M. S. KARNIK, J.)