



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

BAIL APPLICATION NO. 2888 OF 2023

PRANAV GIRISHBHAI SHUKLA
VS.
THE STATE OF MAHARASHTRA

..APPLICANT

..RESPONDENT

Mr. Niranjan Mundargi i/b Ms. Keral Mehta, for the Applicant.
Ms. Veera Shinde, APP for the State.
Mr. Harsh Dattani, for Complainant/Intervener.
PSI- Mr. Bharat D. Rane (Pairavi), Kandivali Police Station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 25, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
- 2.** This is an application for bail in respect of the offences punishable under sections 376(2)(n), 420, 323, 504, 506(2) read with 34 of the Indian Penal Code, 1860, under sections 3, 4, 5 and 7 of the Immoral Traffic Prevention Act and under sections 2(1)(a), 3 and 5 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013 registered on 07/08/2021 vide C.R. No. 720 of 2021 with Kandivali police station.

3. There are in all 4 accused. The applicant is accused no. 1. The applicant was arrested on 08/08/2021.

4. My attention is invited to the FIR lodged by the prosecutrix on 07/08/2021 annexed at page no.35 of the paper-book. The prosecutrix approached the applicant who was introduced to her as a saint. The prosecutrix had some problems in her domestic life for which she was looking for a solution. It is the prosecution case that the applicant took advantage of helplessness of the prosecutrix and from the year 2011 onwards, committed various acts which are offences under the aforesaid sections. The applicant exploited the prosecutrix almost for a period of 10 years.

5. Learned counsel for the applicant submitted that the relationship between the applicant and the prosecutrix apparently was consensual in nature. Learned counsel relied upon the whats-app chats which are from page nos. 177 onwards of the paper-book. It is submitted that the prosecutrix wanted to extort money from the applicant and after the applicant failed to pay, the complaint was lodged. It is further submitted that on 12/06/2021, the applicant had filed a complaint with the Kandivali police station alleging extortion by the prosecutrix. Thereafter a civil suit was filed by the applicant against the prosecutrix on 21/06/2021 for various reliefs.

The prosecutrix filed a written complaint against the applicant on 21/06/2021 before Kandivali police station. The FIR is filed on 07/08/2021.

6. Learned APP as well as learned counsel for the prosecutrix opposed the application for bail. It is submitted that the applicant took disadvantage of the situation which the prosecutrix was facing and had exploited her. It is submitted that it is only when the applicant realised that the prosecutrix is likely to file a criminal complaint to defeat the remedy of the prosecutrix, the complaint and the civil suit came to be filed by the applicant. It is further submitted that the whats-app chats cannot be relied upon as they are screen-shots and there is no certificate issued under section 65B of the Indian Evidence Act about its authenticity. Further it is submitted that these are all matters to be decided at the time of trial.

7. I have heard learned counsel for the parties. I have gone through the accusations made by the prosecutrix and the materials on record. Prima facie, I find that prior to the lodging of the complaint and the FIR by the prosecutrix, there is on record a complaint made by the applicant to Kandivali police station as well as a civil suit which is filed by the applicant. I may not be understood to have expressed any opinion in this regard on merits as these observations

are only limited purpose of considering the present bail application. The trial shall proceed on its own merits and in accordance with law without being influenced by any observations made by me in this order. Prima facie, I am of the opinion that in the facts and circumstances of the present case, considering that the applicant was arrested on 08/08/2021 and now in custody for more than 2 years and 2 months, with no possibility of trial concluding any time soon, the applicant can be enlarged on bail as investigation is complete and charge-sheet has been filed.

8. My attention is invited to the order dated 20/12/2022 passed by this Court. The said application was withdrawn as the application for bail was pending before the trial Court which the applicant wanted to pursue. After the trial Court rejected the application, the present application is preferred.

9. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. Further custody will only be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Pranav Girishbhai Shukla in connection with C.R. No.720 of 2021 registered with Kandivali police station shall be released on bail on his furnishing PR. Bond of Rs.50,000/- with one or more solvent sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Kandivali police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the western suburbs of Mumbai/ Mumbai suburban district after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not leave the country without permission of the trial Court.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(i) It is made clear that any attempt on the part of the applicant to contact, influence or threaten the prosecutrix or the witnesses will be viewed seriously which may result in cancellation of this bail.

10. The application is disposed of.

(M. S. KARNIK, J.)