



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3343 OF 2023**

Sudhir Makrand Singh	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. V.S.Tiwari with Ms. Priya Muthupandi, Ms. Priti Tiwari for Applicant.
Mr. S.R.Aagarkar, APP for State.
PSI Prakash Sonawane, Powai Police Station present.

**CORAM: N.J.JAMADAR, J.
DATE : 6 MARCH 2024**

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with Sessions Case No.236 of 2021 arising out of C.R.No.487 of 2020 registered with Powai Police Station for the offences punishable under Sections 376, 376(f)(n), 354A, 354B, 354D, 384, 385, 387, 323, 500, 504, 506(2) of the Indian Penal Code and Sections 66E and 67A of the Information Technology Act, 2000.
3. The gravamen of indictment against the applicant is that from the month of December 2018 till August 2020, the applicant, who is a distant relative of the first informant – victim, had sexually exploited the first informant by threatening to cause harm to her husband and children and by threatening the first informant to make her obscene photographs viral. The applicant had coerced the first informant to part with gold jewellery weighing 95 gms and Rs.34,500/-. The applicant had also allegedly

attempted to extort money from the husband of the first informant by threatening to make her obscene photographs public.

4. The learned Counsel for the Applicant submitted that the applicant and the first informant were in a consensual relationship. As the relationship turned sour, the first informant lodged a false report with exaggerated allegations. There is no material which lends credence to the version of the first informant. It was further submitted that the applicant has been in custody since 4 April 2020. Though, three and half years have elapsed, charge has not been framed. Therefore, the applicant be enlarged on bail.

5. The learned APP contested the prayer for bail. It was submitted that there is material to indicate that the applicant had coerced the first informant to part with gold and has raised money by pledging the same with Mannapuram Gold. Attention of the Court was invited to the discovery made by the applicant under Section 27 of the Evidence Act.

6. I have perused the allegations in the FIR. Evidently, the alleged episode of exploitation lasted from December 2018 to August 2020. Prima facie, the submission that the applicant and the first informant were in a consensual relationship, cannot be brushed aside as wholly untenable. In any event, the applicant has been in custody for almost three and half years. Charge has not been framed. Having regard to the nature of the accusation, it is unlikely that the trial can be concluded within a

reasonable period of time.

7. With regard to allegation that the applicant had pledged the gold of the first informant and raised money, learned Counsel for the Applicant, on instructions, submits that without admitting the said fact and without prejudice to the rights and contentions of the applicant, the applicant is willing to deposit an amount of Rs.1,85,000/- before the Court of Session if reasonable time is given for the same.

8. In the light of the aforesaid statement and the period of incarceration, I am inclined to allow the application.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Sudhir Makrand Singh be released on bail in C.R.No.487 of 2020 registered with Powai Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall deposit a sum of Rs.1,85,000/- in the Court of Session within a period of four weeks from the date of his release on bail.

(iv) In the event the said amount is deposited by the applicant, the learned Sessions Judge shall invest the same in an interest bearing deposit and the said amount shall abide the final decision in Sessions Case No.236 of 2021.

(v) The applicant shall mark his presence at Powai Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of two years or till the conclusion of the trial whichever is earlier.

(vi) The applicant shall not tamper with the prosecution evidence. 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.

(vii) 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.

(viii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(ix) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)