



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3796 OF 2023**

Satinder Kumar Krishnadev Jhinghan	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Sudeep Pasbola with Mr. Ayush Pasbola, Mr. Sankalp Vichare, Mr. Mrunal Bhide i/by Mr. Ashwin Duggal for Applicant.
Mr. Bapu Vitthalrao Holambe Patil, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 6 MARCH 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is 72 years of age, has been arraigned in C.R.No.635 of 2023 registered with Dindoshi Police Station for the offences punishable under Sections 376 and 506 of the Indian Penal Code, for having committed rape on the first informant, who is 55 years of age, and criminal intimidation.
3. The first informant lodged a report with the allegations that she is a singer by profession. The applicant had befriended her by promising to make arrangement for her stay in USA whenever she would visit for the concerts in USA. The applicant had allegedly induced her to part with her passport. On 4 September 2023, the applicant visited the house of the first informant. There was a quarrel between them. On 5 September 2023, when the first informant demanded her

passport, the applicant asked her to accompany him to Westin Hotel, Goregaon (E).

In Room No.2512 of the said hotel, after they had lunch, the applicant allegedly had forcible sexual intercourse with the first informant. Instantaneously, the first informant called her friend and approached Dindoshi Police Station and lodged the report.

4. Learned Counsel for the Applicant submitted that the material on record would indicate that the applicant and the first informant had been staying together at various hotels since months prior to the alleged occurrence. There were financial transactions between the applicant and the first informant. Attention of the Court was invited to the credit of a sum of Rs.12,50,000/- by the applicant in the account of the first informant on 1 July 2023. Learned Counsel further submitted that in the history narrated before the Medical Officer, the first informant had alleged that she was sexually exploited in the month of August 2023 also. However, there is no reference of the said fact in the FIR.

5. Learned APP countered the submissions on behalf of the applicant. It was submitted that the aspect of the relationship between the parties, commercial or otherwise, pales in significance and what is required to be considered is the role attributed to the applicant on the date of the occurrence. In the FIR, the first informant has clearly and categorically alleged that the applicant subjected her to sexual exploitation. Therefore, at this stage, there is no reason to disbelieve the first

informant.

6. The allegations in the FIR are required to be appreciated in the light of the situation in life of the parties. Prima facie, there is material to show that the applicant and the first informant had travelled and stayed together. In the statement of the witness to whom the first informant claimed to have narrated the incident, there is a reference to the fact that the applicant had stayed over with the first informant on the night intervening 4th and 5th September 2023 and there was a quarrel between the first informant and the applicant. Prima facie, it appears that there was some sort of relationship between the applicant and the first informant.

7. In the aforesaid view of the matter, especially having regard to the age of the applicant and the first informant, at this stage, when the investigation is complete and chargesheet has been lodged, further detention of the applicant does not seem warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Satinder Kumar Krishnadev Jhingan be released on bail in C.R.No.635 of 2023 registered with Dindoshi 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 mark his presence at Dindoshi Police Station on the first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial whichever is earlier.

(iv) 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.

(v) 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.

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

(vii) 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.)

SSP

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