

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2800 OF 2024

Pravin Shrikant Hadkar ... Applicant

Vs.

State of Maharashtra and another ... Respondents

Mr. Tohid Shaikh a/w. Mr. A. Pathan i/b. Mr. Rafiq Gori for Applicant.

Ms. Megha Bajoria, APP for Respondent-State.

Mr. Koli, ASI, Gorai Police Station.

CORAM : MANISH PITALE, J.

DATE : AUGUST 02, 2024

P.C. :

. Heard Mr. Shaikh, learned counsel for the applicant and Ms.Bajoria, learned APP for the respondent-State.

2. The applicant was arrested on 16.06.2021 in connection with FIR No.32 of 2021 dated 16.06.2021 registered with Gorai Police Station, Mumbai, for offences under Sections 376, 376(2)(n), 417, 500 and 506 of the Indian Penal Code, 1860 (IPC) and the provisions of the Information Technology Act, 2000 (IT Act), including Section 67-A thereof.

3. The investigation was completed and charge-sheet was filed in August 2021 and as on today, the applicant is facing charges under Sections 376, 376(2)(n), 417, 500 and 506 of the IPC and Sections 43, 66, 66-E, 67 and 67-A of the IT Act.

4. The learned counsel for the applicant submits that this is a case of consensual relationship between the informant and the applicant. It is submitted that both were working together and that they were in a relationship. Subsequently, the informant turned around and made false

allegations against the applicant, leading to registration of the FIR. It is submitted that the applicant has undergone incarceration for more than three years and there is no possibility of the trial being completed within a reasonable period of time. Therefore, it is submitted that this Court may consider enlarging the applicant on bail. It is submitted that the applicant undertakes to abide by stringent conditions that may be imposed by this Court.

5. On the other hand, learned APP has vehemently opposed the prayer made in the present application. It is submitted that the informant in her statement has described in detail as to the manner in which the applicant forced her into having physical relationship with him. It is submitted that the applicant circulated objectionable photographs and videos of the informant and even sent e-mails to her relatives about the relationship between the two, specifying that they also had physical relations.

6. This Court has perused the material on record in the light of the rival submissions. The statement of the informant chronologically records the acts of the applicant leading to her grievance for registration of offences against him. Although the first incident is of November 2016, at the outset, in the statement, the informant has described as to how the applicant had coerced her into keeping physical relations with him. The tendency of the applicant to coerce the informant and to threaten her is *prima facie* evident from the conduct of the applicant in circulating objectionable photographs and videos of the informant to others, including her relatives. Statements of relatives of the informant are on record, showing that they received identically worded e-mails from the applicant about the relationship between the two with an emphasis on the fact that they also had sexual relationship.

7. The material on record does make out a *prima facie* case against

the applicant and hence, there is no merit in the present application.

8. At this stage, the learned counsel for the applicant emphasizes on the long period of incarceration already undergone and there being no possibility of trial being completed within reasonable period of time.

9. In that regard, this Court finds that as per the charge-sheet, the prosecution intends to examine 28 witnesses. In practical terms, it is seen that all the witnesses are generally not examined by the prosecution and the number is reduced when the trial actually begins. Therefore, this Court is of the opinion that trial can be expedited, to be completed within a stipulated period of time.

10. In view of the above, the application is dismissed. However, the trial Court is directed to expedite the trial and make an endeavour to finish the same within a year.

11. If the trial is not completed within the stipulated period of time and delay is not attributable to the applicant, liberty is reserved for the applicant to renew his prayer for bail.

(MANISH PITALE, J.)