

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

CRIMINAL BAIL APPLICATION NO. 2274 OF 2022

Dipak Janardan Patil	...Applicant
Versus	
State Of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 2319 OF 2022**

Mahendra Damodar Nakti	...Applicant
Versus	
The State Of Maharashtra	...Respondent

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Mr. Pradeep M. Patil with Pravin B. Gole with ruturaj N. Deshmukh, Advocate for the Applicant.

Mr. N. B. Patil, APP for the Respondent-State in BA No.2274/2022.

Mr. M. G. Patil APP for Respondent/State in BA/2319/2022.

Mr. K. M. Shaikh, API Murud Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th OCTOBER, 2022

PER COURT:

1. The applicants were arrested on 24.03.2022 in connection with C.R. No. 38 of 2022 registered with Murud Police Station, Raigad for offences punishable under Sections 376, 506 read with 34 of the IPC and Section 66(E) of the Information Technology Act.

2. The FIR was registered on 24.03.2022. According to the complainant/victim. She got acquainted with the applicant in bail application No. 2274 of 2022 in 2008. They fall in love with each other. The relationship was opposed by parents. The applicant Dipak Janardan Patil got married in 2010. For a period of 10 years, they were not in touch with each other. In 2021 the applicant Dipak Janardan Patil met victim and threatened her that he would make their video/photographs viral and insisted for physical relationship with her. On 12.03.2022 while victim was alone at home, the applicant Dipak Patil entered into house and had forceful physical relationship with her. She was threatened. On 14.03.2022, while victim was alone at home, the friend of Dipak Patil, complainant in Bail Application No.2319 of 2022 visited her house. He showed her photographs of the victim and accused Dipak Patil and threatened her that photographs would be made viral. She was subjected to forceful physical relationship. She snatched the cellphone from the accused Mahendra Nakti and deleted the video clip. FIR was registered. Investigation is proceeded. The applicants were arrested. Cellphone was recovered during investigation. Cellphone was forwarded to forensic opinion. Charge-sheet is filed.

3. Submission of learned advocate for the applicants is that both the applicants are falsely implicated. The FIR has been lodged belatedly. There is no explanation for delay. Nothing objectionable was found in the cellphone. Statement of witness was recorded during the trial. The FIR itself mentions that Dipak Patil and victim had love affair in the past. After a period of 10 years, the alleged incident dated 12.03.2022 and 14.03.2022 had occurred. The version of complainant is unbelievable. The applicant Mahendra Nakti has been implicated being close friend of the applicant Dipak Patil.

4. Learned APP submitted that there is no reason for the victim to falsely implicate the applicants. The applicant Dipak Patil and the victim were in relation about 10 years ago. Thereafter, they were not in touch with each other. Medical examination of the victim was conducted. The applicant Dipak Patil had recorded video clip of their relationship. The statement of Rushikesh Telge was recorded on 25.03.2022. In the said statement he stated that the applicant Mahendra Nakti met him on 19.03.2022. He showed him video clip of relationship between victim and the accused Dipak Patil. Cellphones are recovered. They are forwarded for forensic opinion.

5. From the tenor of the FIR and other documents it appears that the victim, who is aged about 30 years was acquainted with applicant Dipak Patil about 10 years ago. They were in relationship which was opposed by parents of both. Applicant Dipak Patil performed marriage. According to the complainant after 10 years, Dipak Patil met her and threatened her of video recorded ten years ago being made viral. It is difficult to believe that such objectionable video or photographs would be stored and such threat is issued when both did not contact each other for ten years. Cellphone are seized but there is nothing on record to show that such clip is existing. The alleged incident had occurred on 12.03.2022 and 14.03.2022. The FIR was lodged on 24.03.2022. The complainant has also alleged that she snatched the cellphone from accused No.2 and deleted video clip. According to witness Rushikesh, applicant Mahendra Nakti met him and showed objectionable video clip. However, the said incident had occurred after the alleged incident dated 14.03.2022. The complainant had stated that she deleted video. Hence, it is difficult to believe that the version of said witness. The applicants are in custody from the date of arrest. Case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No.2274 of 2022 and Bail Application No. 2319 of 2022 are allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R. No. 38 of 2022 registered with Murud Police Station, Raigad on executing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicants are permitted to furnish provisional cash bail security in the sum of Rs.25,000/- each for a period of eight weeks in lieu of surety.
- (v) The applicants shall not tamper with the evidence;
- (vi) Both the Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)