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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.294 OF 2015

Anoop Parwani	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Shailesh Kharat, for the Applicant.
Ms.Rutuja Ambekar, APP for the Respondent – State.
API – S.G.Kale, Naupada Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.
DATED : 11th MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.
2. By this application, the Applicant seeks pre-arrest bail, in connection with C.R. No.I-59/15 of 2015 registered with the Naupada Police Station, Thane, for the alleged offences punishable under Sections 323, 376 and 506 r/w Section 66E of the Information Technology Act, 2000.
3. The applicant and the prosecutrix were in a relationship from June 2013. According to the learned counsel, there were certain Whatsapp

messages which will support the said contention. Infact, certain allegations were made by the prosecutrix that certain photographs were taken by the applicant on his mobile. Pursuant to the order dated 27th February, 2015, the applicant was directed to surrender his mobile to the Investigating Officer under a panchanama. The learned APP states that the mobile has been seized. She states that all the Whatsapp messages have been seized by the police during the course of the investigation.

4. Perused the report of the investigating officer and the statement of the prosecutrix. Whether the consent of the prosecutrix was voluntary or not, is a matter which will be decided by the Trial Court. Considering the peculiar facts of the case, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount ;
- ii) The Applicant shall not tamper or attempt to influence the witnesses or any persons concerned with the case ;
- iii) The copy of the Whatsapp messages that were tendered

across the bar for a perusal of the Court and which were taken on record and marked 'X' for identification and which are kept in a sealed envelope shall now be destroyed by the Registry.

5. The Application is allowed and disposed of on the above terms.
6. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)