

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1170 OF 2015

Avinash Pandurang Marke
Vs.

... Applicant

The State of Maharashtra

... Respondent

Mr. Vipin Bidkar, Advocate for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 12, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is apprehending arrest under sections 376, 354(D) of the Indian Penal Code and under section 67, 67A of Information and Technology Act in C.R. No. 364 of 2015 registered with Hadapsar Police Station, Pune on 16th July, 2015.

2. It is the case of the prosecutrix that she is 24 years old. She was having an affair with the applicant/accused since 2013. It is her case that the applicant has forced her to have sexual intercourse with him. The applicant told that he has some obscene photographs of the lady and by giving threats of publishing or circulating the same, he exploited her sexually from 2013 till July 2015. It is also her case that during that period, he forced her to withdraw the amount from her accounts and blackmailed her sexually as well as financially. It is the case of the

prosecutrix that her parents were against their marriage. She got married to some other person on 12th June, 2015. However, thereafter he contacted her, gave threats and again compelled her to keep sexual relations with him in the months of June and July. As she was fed up of this exploitation, she gave information to the police.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. The applicant/accused and prosecutrix were in love with each other. The sexual relations between the parties were by consent. No force was administered by the applicant/accused on the prosecutrix. The learned counsel for the applicant/accused has relied on the print outs of SMS and WhatsApp messages. He submitted that though the prosecutrix is married and when the applicant/accused told her that he wanted to marry with some other girl, she did not like this and therefore, she gave this complaint out of vengeance. He submitted that the applicant is innocent and he is to be given protection under anticipatory bail.

4. Learned APP opposed the Application. She submitted that it is a case of rape and extortion. She relied on the affidavit of friends which were produced by the applicant/accused that they were staying together. She submitted that the police wants to find out and collect the material of obscene photographs or said recording from the laptop or from the cell

phone of the applicant/accused. They also want to verify when and how the money was compelled to be withdrawn from the accounts of the prosecutrix.

5. Perused the FIR and the documents on record. *Prima facie* this shows that the applicant/accused and prosecutrix were having affair and they may be residing together, however, there was opposition from the family members of the prosecutrix. In June, 2015 prosecutrix married to some other person and thereafter also, as per her say, the applicant/accused has contacted her and threatened of circulating and publishing the obscene photographs on the facebook and therefore, she succumbed to his pressure. Considering this, it appears that it is a case of financial and sexual exploitation and therefore, at this stage, I am not of the view that the applicant/accused is to be protected. The custody of applicant/accused is required for interrogation. Hence, the Application for anticipatory bail is rejected.

(MRS.MRIDULA BHATKAR, J.)