

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1538 OF 2015

Yash @ Bhupesh Kapoor ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Ms. Sonal Parab i/b. Mr. Rajeev Sawant and Associates, for the Applicant.
Mrs. Rutuja Ambekar, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **11th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 506 and 323 of the Indian Penal Code in C.R. No. 313 of 2015 registered with Versova police station, Mumbai. The offence is registered at the instance of prosecutrix on 17th September, 2015.

2. It is the case of the prosecution that on 1st May, 2015 she came in contact with the applicant/accused. The applicant/accused told the prosecutrix that he can offer roles to her in films. Therefore, they developed contacts. It is her case that in the second week of May,

2015 the applicant/accused called her at Andheri and introduced the victim with one Rohan Rathi. On that day, the applicant/accused administered some stupefying substance in her cold drink and therefore, she become unconscious. Thereafter friend of applicant /accused had sexual intercourse with her without her consent. Then on the next day, the applicant/accused showed her necked photographs and obscene video clip and threatened her that this would be circulated on the social network. Thereafter, the applicant/accused started harassing her time to time. On 13th July, 2015 he forced her to keep sexual relations with his friend. At that time, he also threatened the complainant that he would pour acid on her face. Subsequently, she was tired of such kind of harassment and threats. Therefore, she gave complaint with police and this offence is registered.

3. The learned counsel for the applicant/accused submits that earlier the applicant/accused had given complaint against the prosecutrix on 28th August, 2015 at Jaripatka police station, Nagpur vide N.C. No./ 1489 of 2015 for the offence punishable under Section 507 of Indian Penal Code as the complainant was harassing him and

pressuring him to marry her otherwise she would implicate him in a false case. The learned counsel for the applicant/accused submits that he has handed over his cell phone to the police. He has been on interim pre arrest bail and attending concerned police station since October, 2015.

4. The learned prosecutor oppose this application. She submitted that her nude photographs and obscene video clip was made by the applicant/accused. The prosecutrix is of 20 years old. Some SMS and photographs are produced by the applicant/accused.

5. Perused the first information report and N.C. lodged by the applicant. The cell phone of the applicant/accused is handed over to the police. There is no such incident of circulating the nude photographs and video clips of the prosecutrix by the applicant /accused on the social network. There is no immediate complaint by the complainant after the incident of rape. Considering all the facts and circumstances, I am inclined to confirm the interim pre arrest bail granted to the applicant/accused on 28th October, 2015 on the same terms and conditions. The condition of attendance is hereby modified

and now the applicant/accused shall attend the concerned police station as and when called by the investigating officer.

6. The anticipatory bail application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)