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

ANTICIPATORY BAIL APPLICATION NO.927 OF 2017

Abhiraj Ravi Gupta

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.H.H.Ponda, i/b Mr.Shailesh Kharat, for the Applicant

Mr.R.M.Pethe, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.27 of 2017 registered with the Vanrai Police Station, for the alleged offences punishable under Sections 354, 354(D), 509, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the allegations as against the applicant are false and baseless. He submitted that

admittedly, the applicant and the complainant were known to each other since 2002 and that they were in a relationship. He submitted that the allegation made in the complaint are false, inasmuch as, the complainant had alleged that she had broken up with the applicant, however, the same is not borne out by the SMSs' sent by the complainant to the applicant. He relied on the SMSs' sent by the complainant to the Applicant, in May, 2016, January 2017 and February, 2017.

4. Learned APP opposed the application.

5. Perused the papers. Admittedly, the applicant and the complainant were staying in the same building, between the period, 2002 to 2008. Although, in 2008, the applicant shifted to another place, since 2012, the applicant and the complainant again got in touch. From 2013, their friendship developed into a love affair and from 2013 till January, 2016, they were in a relationship. It is alleged by the complainant, that as the applicant would abuse and harass her, and would check her phone and suspect her, she started to distance herself from the applicant, as she was scared of him. She has alleged that in February, 2016 she got a job in a

private company, at Goregaon. She has stated that the applicant, was then working at Sakinaka. She has stated that when she told the applicant, that they should stop meeting each other and put an end to their relationship, the applicant threatened to trouble her, if she did that. It is alleged by the complainant that in April 2016, when the applicant came to meet her at her work place, he checked her phone, to find out who she was talking to and when she told him, that they had broken up and that she did not want to meet him, the applicant abused her in filthy language. In May 2016, the applicant joined another Company close to the complainant's company and would follow her and would ask her to continue their relationship. According to the complainant, when she told the applicant that she did not want to meet him, as they had broken up, the applicant threatened her that he would inform her parents, about their relationship. In January, 2017, the complainant's mother fixed her marriage, with her consent with one Lohit Raskar. It is alleged by the complainant, that on 21st January, 2017, when the applicant called her on phone, she warned the applicant not to call her again, as her marriage was fixed, however, the applicant continued to abuse and threaten her. The incident of outraging of modesty is alleged to have taken place on 27th January, 2017. It is alleged by the complainant,

that she received a call from the applicant, stating that he wanted to talk to her and asked her to come near the parking area. She has alleged that when she went to the parking area, the applicant hugged her forcibly. The applicant is also alleged to have told her that he loves her and asked her whether she is getting married due to family pressure. According to the complainant, the applicant is also alleged to have told her, that they should run away and get married and that when she opposed, the applicant allegedly assaulted her. On 29th January, 2017, the applicant is again alleged to have come with his friend to meet the complainant. It is alleged by the complainant, that when she went to meet the applicant, the applicant and his friend asked her to cancel the marriage and when she refused, the applicant and his friend threatened her, that they would inform about her relationship with the applicant, to her 'to be husband'. Pursuant thereto, the aforesaid complaint was lodged.

6. There are SMSs' that during the period, when the complainant had allegedly broken her relationship with the applicant, i.e. during the period from May 2016 to January, 2017. It appears that both the applicant and the complainant are adults and that they were in a relationship, which

went sour.

7. In the peculiar facts of this case, custodial interrogation of the applicant is not necessary. Accordingly the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months, whichever is earlier;

(iii) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing;

(iv) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall co-operate in the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)