

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1414 OF 2017

Pratik S/o. Pradip Kumar Goyal .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.P.Mundargi, Senior Counsel a/w Mr. D.Kadam i/b. MZM
LEGAL, for the Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 22.08.2017

P.C.

. Heard learned senior counsel for the Applicant.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.247 of 2017 registered with the Juhu Police Station, Mumbai, for the alleged offences punishable under Sections 354, 323, 504 & 427 of the Indian Penal Code.

3. Learned senior counsel for the Applicant submits that the allegations as against the Applicant are false & baseless. He submits that the Applicant and the Complainant had met through an online dating App, 'Tinder'. He submitted that pursuant thereto, the Applicant and the

Complainant became friends and their friendship developed into a love affair. Later, due to some differences, they called of their relationship. Thereafter, they again met on 11.05.2017. It is alleged by the Complainant, that when the Applicant asked her, whether she would like to continue their affair, she replied 'lets go to your house and speak to your parents'. However, the Applicant left for his house. Thereafter, the Complainant called up the Applicant and asked him to pay Rs.10,000/- which she had previously given him, however as there was no response, she went to the Applicant's flat, and demanded the money from the Applicant's mother. The Applicant is alleged to have come to the door and is alleged to have held her hand and dragged her into the lift. It is alleged that the Applicant touched her inappropriately and thereafter is alleged to have assaulted her with fist blows.

4. Learned APP submits that the Complainant had suffered minor injuries. She further submits that the said incident of assault was witnessed by the watchman.

5. Perused the papers. Admittedly, the Applicant and the Complainant were friends and their friendship developed into a love affair. It appears that subsequently, due to some differences, they called

of their relationship. Thereafter, they again met some time in May, 2017. It appears that the Applicant had asked the Complainant whether she would like to continue their affair, to which the Complainant replied that they should go home and speak to his parents. It is alleged that thereafter, the Complainant called up the Applicant and asked him to pay Rs.10,000/- which she had previously given him, however, there was no response. Hence, the Complainant went to the Applicant's flat to demand money. It is alleged that when the Complainant demanded money from the Applicant's mother, the Applicant came near the door, held her hand and dragged her into the lift and thereafter, the Applicant touched her inappropriately and assaulted her with fist blows. As far as outraging of modesty is concerned, the watchman is not a witness to the same, but is only a witness to the incident of assault, by the Applicant. The injuries sustained by the Complainant are simple in nature.

6. In the facts of the case, custodial interrogation of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on

executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)