

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

ANTICIPATORY BAIL APPLICATION NO. 2134 OF 2019

Yogesh Keshav Machale & Anr.

... Applicants.

V/s.

The State of Maharashtra

... Respondent.

Mr. Sachin H. Deokar, Advocate, for the Applicants.

Mr. Prashant Jadhav, APP for the State.

(Mr. S.Y. Salve, PC-2776, Shirur Police Station, Pune Rural, is present)

CORAM : SARANG V. KOTWAL, J.

DATE : OCTOBER 01, 2019.

PC :

1 The Applicants are seeking anticipatory bail in connection with the CR No. 608 of 2019, registered with the Shirur Police Station, Dist. Pune under Sections 354, 354 (A)(B) (D), 452, 506, r/w. 34 of the Indian Penal Code.

2 The FIR is lodged by the prosecutrix, who is 21 years of age. She has stated that she was studying in college of Vasantrao Pharate Patil at Mandvagan Pharata. The applicant no.1 was also studying in the same class. According to her, applicant no. 1 was trying to get friendly with her. It is her case that on one occasion, the applicant no. 1 called her and told her that he wanted to marry her.

On her refusal, he threatened to kill her father. The prosecutrix told him that she would inform her family. Applicant no. 1 allegedly got scared. However, thereafter, also he was trying to develop friendly relations with the prosecutrix. It is her case that against her wish, the applicant no. 1 had taken her photos and threatened her that he would make all photos viral. He also threatened to publish their recorded conversation. The FIR mentions that applicant no. 1 had forced her to purchase two sim cards, one for her and other one for him and through those the applicant no. 1 kept in touch with her. Some allegations are made against applicant No. 2 that he was threatening the prosecutrix to continue her relations with applicant no.1. FIR also further mentions that applicant no. 1 had given her new mobile with new sim card. The FIR further mentions that on 4th July, 2019, the applicant no. 1 entered her house and tried to get physical with her and took photos. Applicant no. 1 threatened her that he would defame her by making her photos viral if she did not marry him and then left the house. On these allegations, the FIR was lodged.

3 Heard Shri Deokar, learned counsel for the Applicants and Shri Jadhav, learned APP for the State.

4 Learned counsel for the Applicants submits that on 11th August, 2019, the applicant no.1 was picked up by the police and he was assaulted in the police station. Applicant no. 2 was also present in the police station, accompanying applicant no. 1 and has recorded the entire assault by the police. The applicant no. 2 took a video recording of the assault. The applicants put this video recording on internet and it had become viral. Because of this, the police held grudge against applicant no. 1 and, therefore, pressurized the prosecutrix to lodge the FIR.

5 Learned APP supported the allegations in the FIR and submitted that the applicants do not deserve bail.

6 I have perused the FIR. The FIR itself indicates that the police had taken action against applicant No.1 with wrong intentions. Learned APP Shri Jadhav submits the applicant was taken in custody under section 151 of the CrPC. However, the applicants have in their possession the video recording, showing the assault committed on applicant no. 1 by the police and that it was made public by the applicants. The photographs of the prosecutrix and applicant no.1 annexed to the memo show that the prosecutrix and applicant no. 1 were on friendly terms. Their closeness in photographs show their love affair. The messages exchanged between them also confirm that they

were having love affair. In this background, the allegations against the applicants do not appear to be true and, therefore, the applicants deserve protection of anticipatory bail. Hence following order :

ORDER

- i. In the event of arrest of the Applicants in connection with CR No. 608 of 2019, registered with Shrirur Police Station, Dist. Pune, they are directed to be released on bail on their executing the PR Bond in the sum of Rs.25,000/- (Rs.Twenty-five thousand) each with one or two sureties each in the like amount.
- ii. The application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

.....