

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

CRIMINAL BAIL APPLICATION NO.3366 OF 2018

Suraj Channelala Jaiswal	.. Applicant
Vs.	
State of Maharashtra & Anr.	.. Respondents

.....

Mr.Prem Shankar Dubey, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent – State.

Mr.Sunil Madhukar Bhadane, PSI, Malwani Police Station,
Mumbai, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

Applicant is seeking bail in connection with C.R.No. 490 of 2018, registered with Malwani Police Station, Mumbai, for the offences punishable under Section 376, 509 and 506 of Indian Penal Code (“IPC”, for short) and Section 66(E) of Information Technology Act (“IT Act”, for short). First Information Report (“FIR”, for short) was lodged on 14th July, 2018.

2 The applicant was arrested on 14th July, 2018. The case of the complainant is that she was acquainted with the

applicant since last three years and since last two years they were having a love affair. However, subsequently, there were disputes between them. Complainant had informed her that he is interested in getting married with the applicant-accused, however, the alliance was rejected by her family. The accused used to call her frequently. It is alleged that when the relationship were cordial, they had clicked photographs from the mobile of the applicant. The accused had opened a Facebook account of the complainant and he is aware about the password. The accused used to call her to meet him frequently. In case of refusal, he used to threaten her that he would upload her objectionable photographs on Facebook. In June 2018, the accused threatened the complainant and called her to meet him at his mobile shop. When she approached him, he had forcibly sexually assaulted her. He also recorded video of the complainant in an objectionable condition. He again threatened her that her video would be uploaded on the Facebook. On 13th July, 2018, the relatives of the complainant told her that her objectionable photographs are being uploaded on the Facebook. Hence, FIR was lodged on 14th July, 2018.

3 On perusal of the charge - sheet, it is apparent that

both the parties were acquainted with each other. Although the complainant has alleged that her relative had informed her about the objectionable photographs being uploaded on the Facebook, the statement of said relative Smt. Anita Gupta does not fortify the said fact. She has not stated that she had seen the photographs of the complainant on Facebook and that she had informed her about the same. On the contrary, this witness has stated that she has informed about the objectionable photographs being uploaded by the complainant and her brother. There is no evidence to establish that the objectionable photographs has been uploaded on the Facebook. Learned APP submits that photographs were apparently deleted from the Facebook when the complainant had approached the police station. There is no evidence to establish that the objectionable photographs were uploaded on the Facebook. The charge-sheet contains the photographs of the applicant and the complainant, when the relationship was cordial. There are Whatsapp messages between the applicant and the complainant. Learned APP submitted that the Whatsapp messages indicate that accused used to threaten the victim. As stated above, the applicant and the complainant were allegedly in relationship for long period of time. Investigation is completed and charge-sheet is filed. Considering

the aforesaid circumstances, further detention of the applicant is not necessary. Hence, the application is required to be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.3366 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No. 490 of 2018, registered with Malwani Police Station, Mumbai, on his furnishing P.R.Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend Malwani Police Station, Mumbai, once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;

- (iv) Applicant shall not approach the complainant or any other witness and shall not tamper with the evidence in any manner;
- (v) Applicant shall attend the trial Court on the date of hearing regularly, unless exempted by the Court;
- (vi) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)