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

ANTICIPATORY BAIL APPLICATION NO.158 OF 2020

VIKAS DULCHAND TRIVEDI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Marmik Shah a/w Ms.Diksha Tripathi i/b. Mr. Amit Karkhanis
for the Applicant.
Mr. N.B. Patil, APP for the State.
Mr.Dalvi- PSI, Vile Parle Police Station present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 24, 2021

P.C. :

. This is an application for pre-arrest bail. The offence alleged in the FIR is under sections 354, 509, 387, 504, 506, 120(b) of the Indian Penal Code, 1860 and sections 66(c) & 66(d) of the Information Technology Act, 2000. The first informant and her husband are running the business of courier service. The applicant was an ex-employee of the first informant. It is alleged in the FIR dated 21/12/2019 that the first informant was called to Jaipur by her sister some time in June. On 03/06/2018, she accompanied her brother and her sister to one hotel. It is alleged that the informant was introduced to one person by her sister. It is alleged that the informant was drugged and taking advantage

of her helplessness, objectionable photographs of the informant along with one person were taken. The FIR does not name the applicant.

2. Learned APP pointed out that the applicant received the objectionable photographs on his mobile as a forward which in turn was forwarded by him to others. The applicant did this on account of business rivalry with the informant.

3. While granting interim protection to the applicant on 21/01/2020, this Court observed that prima facie, the FIR does not suggest complicity of the applicant in Crime No. 496 of 2019. I find that the FIR does not name the applicant. Prima facie, considering the allegations made in the FIR, even ingredients constituting the offence alleged against the applicant do not seem to be attracted.

4. The mobile of the applicant is already in the custody of the Investigating Officer. On record there are statements of the two witnesses who said that the objectionable photographs of the informant was received by them through whats-app forwarded by the applicant. In this view of the matter, in my

opinion, custodial interrogation of the applicant is not necessary.
Hence, the following order.

ORDER

i) The interim protection granted by this Court on 21/01/2020 is confirmed.

ii) In the event of arrest of the applicant in connection with C.R. No. 496 of 2019 registered with the Vile Parle Police Station, the applicant be released on bail on furnishing P.R. bond of Rs.20,000/- with one or two sureties in the like amount.

iii) The applicant shall attend the concerned Investigating Officer of the Police Station as and when called.

iv) The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. Application is disposed of.

(M.S.KARNIK, J.)