

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

ANTICIPATORY BAIL APPLICATION NO.540 OF 2021

Bipin Bharat Shinde alias Rajveer Shinde	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Nizamuddin Khan a/w. Shaba N. Khan, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

Ms.Vidya Shivaji Sable, PSI Thane City Police Station, Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 01, 2021.

P.C. :

The applicant is apprehending arrest in connection with C.R.No.I-25 of 2021, registered with Thane Nagar Police Station, Thane, for the offences punishable under Section 354 - D, 376 and 420 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged on 5th February, 2021.

2 The complainant has alleged that she is police constable since 2009. She got acquainted with the applicant on Facebook messenger. Applicant had forwarded several messages and established friendship with the complainant. There were

telephone calls. Friendship turned into love affair. Applicant also proposed her for marriage. The complainant told that at the moment she is not ready for marriage. However, telephone calls and WhatsApp chatting continued. Subsequently, she learnt that the name of the applicant is not Rajeev, but it is Bipin Bharat Shinde. She questioned him about it. He told her that it is his nick name. Thereafter, the accused established close friendship with her. Complainant agreed for marriage. Accused also represented that his family has consented for marriage. In December 2018, the applicant visited her house and had forcible physical relationship with her. Thereafter he used to visit her house and some times stay with the complainant. After developing confidence, the accused-applicant demanded money from the complainant. She used to give him money. Initially he returned the amount. She parted about Rs.5,00,000/-, to the accused. Subsequently, he refused to perform marriage and told the complainant that they can live together in live-in-relationship. He blocked her phone. He started harassing her. He used to stalk her. The complainant then received a call from a lady who told that she is wife of applicant-accused. The complainant learnt that he is already married person and said fact was suppressed by him.

4 Learned counsel for the applicant submitted that from the tenor of FIR, it is apparent that the relationship was of consensual nature, custodial interrogation of the applicant is not necessary. It is submitted that both of them were residing together.

5 From the tenor of FIR it is apparent that the applicant and complainant were acquainted with each other. There was a love affair. There was physical relationship between them. In the light of the fact of this case, the applicant may not be subjected to custodial interrogation.

6 Hence, I pass the following order.

:: ORDER ::

- (i) Anticipatory Bail Application No.540 of 2021, is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R.No.I-25 of 2021, registered with Thane Nagar Police Station, Thane, the applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall report the investigating officer on 9th, 10th and 11th March, 2021, between 11:00 a.m. to 01:00 p.m., and thereafter, as and when called for;
- (iv) Applicant shall cooperate with the investigation. He shall cooperate for medical examination;
- (v) Applicant shall not approach the complainant and shall not enter into the vicinity of the residence of the complainant;
- (vi) Anticipatory Bail Application No.540 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)