

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 943 OF 2021

Hitesh Kantilal Gala

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Harsh Trivedi & D. Khatri i/b. Mr. Bharat V. Bhatia, Advocate for the Applicant.

Ms. M. R. Tidke, APP for the Respondent – State.

Mr. Deepak Surve, PI, MIDC Police Station.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 6th APRIL, 2021.

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 80 of 2021 registered with MIDC Police Station for the offences punishable under Sections 376, 420 and 506 of IPC.

2. The complainant is a lady aged about 38 years. It is alleged that in 2019 the complainant was contacted by one Kantilal Damji Gala and informed her whether she would marry his son (Applicant). Thereafter, there was physical relationship between the complainant and the applicant. They exchanged messages. They met at several places. There were talks of marriage. It was decided to perform marriage on 13th October, 2020. The applicant called the

complainant at hotel situated at Andheri. She met him. The applicant had booked a room in the hotel. Under the promise of marriage there was physical relationship between them. Thereafter, the applicant started avoiding her. He threatened the complainant that photographs clicked in the hotel would be made viral. The alleged incident had occurred on 13th October, 2020, whereas FIR was lodged on 12th February, 2021.

3. From the tenor of the FIR, it is apparent that, the complainant had visited the hotel. The relationship was of consensual nature. Hence, the custodial interrogation of the applicant is not necessary. Learned APP submitted that investigation is in progress. The application of the applicant was rejected by the Sessions Court. In the light of the factual aspect of this case, this application can be allowed.

4. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 943 of 2021, is allowed;
- ii) In the event of arrest of applicant in connection with C.R. No. 80 of 2021 registered with MIDC Police Station, the applicant be released on bail on

furnishing P. R. Bond in the sum of Rs.25000/-
(Rupees Twenty Five Thousand Only), with one or
more sureties in the like amount;

iii) The applicant shall report investigating officer on
15th , 16th and 19th of April, 2021 between 11.00
a.m. to 1.00 p.m. and thereafter as and when called
for till filing of charge-sheet;

iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)