

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2478 OF 2021**

SANDIP EKNATH GAIKAR

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

....RESPONDENT

**WITH
INTERIM APPLICATION NO. 2601 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2478 OF 2021**

KALPANA DILIP KAPOTE

....APPLICANT

IN THE MATTER BETWEEN

SANDIP EKNATH GAIKAR

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

....RESPONDENT

Mr. Mahesh Kotian i/b Dhvani Shah and Sonam Gupta for the applicant

Mrs. J. S. Lohokare APP for the State

Mr. Raju Yamgar a/w Nikhil Devkar a/w Bharati Lokhande for intervenor

Mr. Sunil Pawar, PI, Bajarpeth Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 22, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 338/2021 registered with Bajarpeth Police Station, Thane City for offence

punishable under Sections 354, 354-D, 323, 504, 506, 341 of the Indian Penal Code and under Section 67 and 67A of Information Technology Act, 2000.

2] Prosecution case against the applicant-a cable operator, ex-councilor of Kalyan Municipal Corporation is, he was in love relation with complainant. After relationship went sour, applicant tried to blackmail her by using her photographs, mobile communications etc. It is claimed that on 22/02/2021, applicant abused the complainant at a public place in a meeting and on 06/09/2021 forced her to board his vehicle at public place. It is claimed that since the complainant was not willing to comply with the orders of the applicant, she was threatened with dire consequences and further her objectionable photographs were circulated on social platform.

3] Counsel for the applicant would urge that applicant is falsely implicated in the crime. It is the contention of counsel for the applicant that applicant and complainant were in friendly terms and at times have exchanged pleasantries and admits that he was having love affair with the complainant. According to him, after relationship

has gone sour, applicant has neither forwarded any of the photographs of the complainant or her relatives nor has uploaded the same on any social networking site. It is claimed that out of political rivalry, applicant is falsely implicated.

4] Learned APP while opposing the prayer would urge that applicant in a calculated manner has committed an offence in question. According to her, even if there was love relation between the applicant and complainant, once the complainant resisted, it was expected of the applicant to honour the dignity of a woman who was working as a political activist. It is further claimed that applicant was in habit of using mobile phone of other for the purpose of forwarding objectionable photographs and messages of the victim and that being so, there is sufficient material to infer prima faice involvement of the applicant in the crime in question.

5] Considered submissions.

6] With the assistance, I have perused investigation papers and

statements recorded. Such persons whose mobile phone was used by the applicant have categorically given statement under Section 161 of Code of Criminal Procedure, 1973 in support of case of prosecution. Apart from above, it is noted that applicant's love relation with the complainant and subsequent thereto, various attempts on the part of the applicant in forcibly asking the complainant to continue with the relationship is apparent from the material available on record.

7] There is sufficient material collected during the investigation to connect the applicant's prima facie involvement in the serious crime committing non-bailable offence.

8] As such, no case for grant of bail is made out. Application fails, stands rejected.

9] In view of disposal of application, intervention application also stands rejected.

[NITIN W. SAMBRE, J.]