

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

ANTICIPATORY BAIL APPLICATION NO. 349 OF 2022

Chitturi Vijaya Sampath s/o. Chitturi
Venkata Ganesh Rayadu ..Applicant

v/s.

The State of Maharashtra . ..Respondents

**with
INTERIM APPLICATION NO. 616 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 349 OF 2022**

Pooja Dushyant Rajoriya ..Applicant

In the matter between

Chitturi Vijaya Sampath s/o. Chitturi
Venkata Ganesh Rayadu ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. U.L.Singh for the Applicant.
Mr. Firoz Ahmed for the Intervenor
Mrs. S.S.Kaushik, APP for the State.
Mr. W.A.Pathan, from D.N.Nagar P.Stn.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 11th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No. 98 of 2021 registered with D.N.Nagar Police Station for offences under Section 323, 376(2)(n), 377, 504, 506 of the Indian Penal

Code.

2. Heard Mr. Singh, learned Counsel for the Applicant and Mrs. Kaushik, learned APP for the State and Mr. Ahmed, learned Counsel for the Intervenor. Perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The crime against the Applicant was registered pursuant to the FIR lodged by the prosecutrix. A perusal of the FIR reveals that the Applicant and the Complainant knew each other since the year 2008. The Applicant has allegedly proposed to marry the prosecutrix and they have indulged in sexual relationship since 2008. She claims that in the year 2019, the Applicant had unnatural sex with her and that when she asked him to marry, he abused and assaulted her, and demanded the engagement ring given to her, and the money which was allegedly spent on her, and further told that he would henceforth not keep relationship with her. She further claims that subsequently the Applicant started harassing her by making constant video calls and demanding money he had spent on her. She claims that the Applicant had sexual relationship with her on the pretext of marriage.

4. The prosecutrix is 27 years lady. The records prima facie indicate that the relationship was consensual. Considering this fact, this Court

had by order dated 28.02.2022 granted interim bail to the Applicant. Since the prosecutrix had alleged that the Applicant had posted some photographs on social media, the Investigating Officer was directed to refer the said photographs to Cyber Cell, in order to investigate whether the Applicant had posted the photographs of the prosecutrix on social media.

5. Learned APP states that in terms of the directions contained in order dated 28.02.2022 the matter is already referred to the Cyber Cell to verify whether the photographs of the prosecutrix were posted by the Applicant, or at his instance. She submits that the report from Cyber Cell is not yet received. It was also stated that the photographs which were on the facebook and Instagram have been deleted. Learned APP states that the Applicant had made call to the Complainant on 10.03.2022 and had also sent one whats app message.

6. On 15.03.2022 the prosecutrix alleged that even after grant of interim bail, the Applicant had been calling her and sending whats app messages. The Investigating Officer was directed to look into the said allegations.

7. Learned Counsel for the Applicant has placed on record the details of the calls received by the Applicant from the prosecutrix and the whats

App messages sent by her. Learned Counsel for the Applicant states that these whats App chats and call details were furnished to the Investigating Officer. Learned APP states that the Investigating Officer has not verified the said call details and whats app messages.

8. Be that as it may, the records prima facie indicate that the prosecutrix has been calling the Applicant and sending abusive messages. Hence, the allegations of the prosecutrix that the Applicant has been interfering with her after grant of interim bail, prima facie appears to be bereft of any merits.

9. As noted above, the relationship is between two adults and was consensual. Prima facie, offence under Section 376 and 377 is not made out. The Applicant has already reported to the Investigating Officer and he has been interrogated. Considering the above facts and circumstances, this is not a case which would justify custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No. 98 of 2021 registered with D.N.Nagar Police Station, the Applicant be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to

the satisfaction of the Investigation Officer.

(ii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iii) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(iv) The Applicant shall not interfere with the prosecutrix or any other witnesses, or tamper with the evidence in any manner.

. Interim Application stands disposed of in view of disposal of Anticipatory Bail Application.

PRASANNA P
SALGAONKAR
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by PRASANNA
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SALGAONKAR
Date:
2022.04.13
21:34:14 +0530

(ANUJA PRABHUDESSAI, J.)