

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

ANTICIPATORY BAIL APPLICATION NO.917 OF 2022

Pushkar Prabhakar Pingle

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Kushal Mor with Mr. Marmik Shah and Mr. Kumar Bilany for the Applicant

Mr. Niranjana Mundargi with Mr. Suhail Shariff, Ms Bhakti Deshpande, Mr. Zoheb Merchant i/b. M/s. Falcon Legal, APP for Respondent -State.

Mr. S.H. Yadav, APP for Respondent-State.

Mr. Ajay Kulkarni PI, Andheri Police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No.182 of 2022 registered with Andheri Police Station, Mumbai, for offences punishable under Sections 328, 354-A, 354-C, 376(2)(n), 504, 506 and 509 of the IPC and Section 67(A) of the Information Technology Act, 2000.

2. Heard Mr. Kushal Mor, learned counsel for the Applicant, Mr. Niranjana Mundargi, learned counsel for the Intervenor and Mr. S.H. Yadav, learned APP for Respondent -State. Perused the records and considered

the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. It is alleged that the Applicant herein had subjected her to rape and molested her. She has further stated that the Applicant has taken her obscene photos/pictures and had sexual relationship with her under threat of making those photographs viral. It was on the basis of these allegations that the crime has been registered.

4. The prosecutrix is a married woman with children. The Applicant and the prosecutrix knew each other and had business relationship. They met regularly and indulged in physical relationship on multiple occasions. The FIR prima facie reveals that the sexual relationship between the Applicant and the prosecutrix was consensual. The records prima facie suggests that business dispute between the parties has resulted in filing of the FIR.

5. 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.182 of 2022 registered with Andheri Police

- Station, Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties to the like amount;
- (ii) The Applicant shall handover his mobile handset to the Investigating Officer for investigation;
 - (iii) The Applicant shall not upload the photographs of the Complainant on Whatsapp or social media;
 - (iv) The Applicant shall not interfere with the Complainant in any manner;
 - (v) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer;
 - (vi) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and /or change of residence or mobile details, if any from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)