

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

ANTICIPATORY BAIL APPLICATION NO.1230 OF 2022

1. Rahul Gopal Singh

2. Maniram Ramadhar Kahar

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Vijay Upadhyay for the Applicant.

Ms A.A. Takalkar, APP for Respondent -State.

Mr. Satish Chabukswar, PI, Jogeshwari Police Station, Mumbai, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th MAY, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No.173 of 2022 registered with Jogeshwari (East) police station, Mumbai, for offences punishable under Sections 384, 420, 500, 501 and 509 r/w 34 of the IPC and Section 67 of the Information and Technology Act, 2008.

2. Heard Mr. Uadhyay, learned counsel for the Applicants and Ms Takalkar, learned APP for Respondent -State. I have 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 Ms Sonam Tripathi. A perusal of the FIR prima facie reveals that the Complainant and the Applicant No.2-Maniram Kahar were running a franchise. The Complainant was desirous of starting her own pathology lab. The Applicant No.2 introduced the Complainant to Applicant No.1-Rahul Gopal Singh. The Applicant No.2 proposed that they could start a business in the partnership. Accordingly, they formed a partnership firm wherein it was agreed that the Complainant and the Applicant No.2 would have 30% share in the profit and Applicant No.1 would have 40% share. The Complainant has stated that the brother of the Applicant No.1 used to visit the lab very often. She fell in love with the brother of the Applicant and they have taken several photographs together. In December-2021 brother of the Applicant No.1 started avoiding her. The Complainant has stated that on 14/12/2021 brother of the Applicant No.1 forwarded their photographs to her brother and threatened the Complainant that if she does not sign an agreement of 10% share in the profit in favour of the applicant, he would expose their photos and videos to some other persons and make them viral.

4. The allegations in the complaint are mainly against accused-Ashish Singh, brother of the Applicant No.1. There is no prima facie

material to indicate that the Applicants had either threatened the Complainant or that they had made her photographs viral or that compelled her to enter into any agreement against her will.

5. Considering the nature of accusations, in my considered view no case is made out for custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.173 of 2022 registered with Jogeshwari (east) police station, Mumbai, they shall be released on bail on executing PR bonds in the sum of Rs.25,000/- each with one or two sureties each to the like amount;
- (ii) The Applicants shall report to the Investigating Officer on 09/05/2022 and 10/05/2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required;
- (iii) The Applicants shall not interfere with the Complainant /witnesses and /or tamper with the evidence in any manner;
- (iv) The Applicants shall keep the Investigating Officer

informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)