

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2677 OF 2021

Vivek Ashok Singh] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Mr. Parag Mishra with Mr. Rajeev Tiwari for the applicant.

Mr. S.V. Gavand, A.P.P. for the State.

Mr. S.R. Salunkhe, PSI attached Kurar Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 08TH JULY, 2022.

P.C.:-

1. The applicant is charge-sheeted for offences punishable under Section 376(2)(n), 354(D), 506(2), 504 of the IPC and Section 67(c) of the Information Technology Act. In connection with the said C.R., the applicant came to be arrested on 05/03/2021 and, since then, he is incarcerated. On completion of investigation, the charge-sheet has been filed on 13/04/2021.

2. The informant has reported to the police station that in April, 2015, she was acquainted to the applicant in a function in the family. They exchanged their phone numbers and, thereafter, became friendly with each other. Love blossomed between them and, it is the case of the complainant that the applicant assured her that he will marry her soon and on this promise, she permitted the physical relations to be established.

3. In March, 2017, the applicant got married to a girl, chosen by his parents and even after his marriage, he was in touch with the informant and even used to meet her. The marriage of the complainant was fixed in the month of June, 2020, but the applicant got enraged and even created disruption in the performance of the marriage. In November, 2020, the informant got married and, despite knowing that she is married, the applicant established contact with her on her mobile phone. On one occasion, the husband of the complainant picked up the phone, when the applicant is alleged to have threatened him that he is in possession of some objectionable photographs and video clippings of his wife. He also threatened her brother about making the photographs and video clippings viral. He persuaded the husband of the complainant to leave her and, one day, he forwarded the video clipping to him and threatened that he shall make it viral and also transmit it to the complainant's relatives and her in-laws. This resulted in lodging of the FIR.

4. The statement of the complainant itself establish that once upon a time, before her marriage, she established relationship with the applicant on the promise of marriage. Taking advantage of the said relationship, it is alleged that the applicant was intimidating her by threatening that the video clip and the photographs would be made viral and even he attempted this, by forwarding some video clips to the husband of the complainant. The applicant as well as the complainant, both are major and, ultimately, the applicant will face the consequence of forcible sexual intercourse with the complainant, which took place in the year 2015-16, but she never reported the said incident and, subsequently, both the complainant and the applicant moved ahead in their life without each other. However, the applicant attempted to pressurize her to once again, to establish relationship with him on the ground that he is in possession of some objectionable photographs and video clips.

5. On the investigation being complete and since it is stated that the mobile phone of the applicant has already been seized during the course of investigation and forwarded for analysis, the further incarceration of the applicant is unnecessary. This, however, would be subject to the stipulation that any attempt on his part to intimidate the complainant or any of her family members will permit the complainant or the prosecution to request for cancellation of the bail and, in that case, he will be robbed of her liberty. Hence, the following order:

ORDER

- (a) The applicant – **Vivek Ashok Singh** shall be released on bail in C.R. No.55 of 2021 registered with Kurar Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The applicant shall attend the trial on regular basis unless exempted. Since the applicant is a resident of U.P., he shall report to the Kurar Police Station, District Mumbai on the first Monday of every trimester, during the course of the day and mark his attendance.

6. The bail application is disposed off.

7. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]