

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

ANTICIPATORY BAIL APPLICATION NO. 2998 OF 2021

Siddhesh Sunil Khot

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ujwal Agandsurve a/w. Dhiraj Kamble a/w. Vineet B. Redekar
for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th JANUARY, 2022

(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 874 of 2021 registered at Dadar Police Station, on 11/11/2021, under sections 376, 420 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ujwal Agandsurve, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the prosecutrix herself. She has stated that, she got acquainted with the applicant in the year 2015. In the year 2017,

there was a proposal from applicant's side for marriage with the informant. Both families were agreeable to their marriage and, therefore engagement took place between the applicant and informant on 17/06/2018. The F.I.R. goes on to mention that, since August 2018 the applicant established physical relations with the informant on the pretext that since they would get married, there was no difficulty in establishing physical relations. After few days, suddenly the applicant started avoiding the informant. On one occasion, he even beat her. He questioned the informant as to why she had looked at one of his friends. After some time again there was patch-up between them and they started meeting again. Their physical relations still continued. He specifically told her that, if his family did not give permission, even then he would marry her. The F.I.R. mentions various instances when they had their physical relations. However, suddenly in October 2020 the applicant stopped communicating with the informant and blocked her from all social sites. The informant's father came to know that the applicant had married another girl on 27/11/2020.

4. On 28/12/2020 the applicant again sent message to

the informant and sent proposal of re-establishing their relations. However, the informant did not encourage him and yet the applicant continued calling her and sending messages. The informant told this fact to her father. The applicant's parents were informed about the applicant's behaviour, but there was no change in his behaviour.

5. On 02/11/2021, the applicant made many calls to the informant. Ultimately, the informant responded to his call and told him that he should never call her again. That time the applicant threatened her that he had all the photographs of their physical relations and that he would upload those photographs on social media. The informant got scared and told about this to her mother. Thereafter this F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the informant herself was having an affair with another boy. Once that boy informed the applicant about their love affair, the applicant was not interested in marrying the informant. According to the learned counsel, there was no dishonest intention on his part. He further submitted that the informant is in habit of making such

false allegations and various other complaints were lodged by her against many other boys. However, learned counsel could not produce copies of any such complaints except an F.I.R. registered at MHB police station vide C.R.No.67 of 2021, wherein, informant in this case had lodged her F.I.R. against the boy with whom she was allegedly having an affair in the past. Except this, no other F.I.R. or complaint is produced.

7. Learned APP strongly opposed this application. He submitted that, though initially marriage was fixed, the gravity of the offence is in respect of applicant's action after the marriage was broken. He was continuously harassing the informant and threatening to upload their intimate photographs on social media. Therefore, the offences assumes seriousness and, hence anticipatory bail should not be granted to the applicant.

8. I have considered these submissions. The allegations made against the informant during the arguments are unnecessary. No specific record is produced to show that the informant is in habit of lodging false complaints against many boys. Therefore, this submission is only noted to be rejected.

9. So far as, merits of the present application is concerned, narration in the F.I.R. is clear enough. Though, physical relations were established because they were engaged and were to get married, the main grievance is about dishonest intention of the applicant which is clear from the fact that, he suddenly stopped communicating with the informant and had got married behind her back without telling her about his marriage. This shows that, there is strong possibility that the applicant had dishonest intention and based on false promise of marriage had established physical relations, though, he never wanted to marry the informant. Apart from that, more serious allegations are about activities of the applicant after his marriage. He again tried to establish relations with the informant. The F.I.R. goes on to mention specific instances after 28/12/2020 when the applicant used to make continuous calls to the informant and used to threaten her that their intimate photographs will be uploaded on the social media. All these allegations are serious. At this stage, leniency cannot be shown to the applicant. His custodial interrogation is necessary. The applicant cannot be protected by an

order of anticipatory bail.

10. The application is rejected.

(SARANG V. KOTWAL, J.)