

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

ANTICIPATORY BAIL APPLICATION NO.3 OF 2023

Jignesh Rasiklal Vasani

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Yashpal M. Thakur with Mr. Mukund Pandya for the Applicant.

Mr. Niranjana Mundargi with Keral Mehta i/b. AEQUITLAS LEGALIS
APP for Respondent -State.

Mr. S.V. Gavand, APP for Respondent -State.

API-Thoke (IO), PSI-Sonawane, Charkop Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.1027 of 2022 registered with Charkop Police Station, District-Mumbai, for the offences punishable under Sections 376(2)(n), 406, 420 and 506 r/w 34 of the IPC.

2. Heard Mr. Yashpal Thakur, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP for the Respondent-State and Mr. Niranjana Mundargi, learned counsel for the Complainant. I have perused the records and considered the submissions advanced by the

learned counsel for the respective parties.

3. Pursuant to the FIR dated 19/12/2022 lodged by the prosecutrix, crime was registered against the present Applicant. The First Informant claims that some time in July-2022 the Applicant had proposed to marry her. The Applicant and his family members took liking to her. She claims that the Applicant had persuaded her to invest Rs.2.50 crores. She claims that the Applicant did not return the said amount. It is also alleged that since July-2022 the Applicant had sexual relationship with her against her wish and without her consent and taken her nude photograph. The grievance of the First Informant is that the Applicant refused to marry her and that he has refused to return her money.

4. The records reveal that the prosecutrix had earlier lodged a complaint at Kandivali Police Station on 13/07/2022. No crime was registered pursuant to the said complaint. Subsequently, after the alleged incident of rape, she addressed a letter to the police requesting not to take any action against the Applicant and his family members on the ground that they have agreed to return her money. The genuineness of the allegations of rape, whether it was consensual or against her will and without her consent will be decided in the course

of trial. Nevertheless, prima facie, the allegations are not free from suspicion.

5. It is alleged that the prosecutrix had handed over to the Applicant cash of Rs.2.50 crores. Learned APP concedes that there is no material on record to show the source of income of the First Informant and or to prima facie prove that she was in a position to pay cash of Rs.2.50 crores. Considering all these facts, this Court by order dated 04/01/2023 had granted interim relief to the Applicant. Pursuant to the said order the Applicant has reported to the Investigating Officer and has handed over his mobile phone.

6. Considering the above facts and circumstances, particularly, the nature of accusations and the material in support thereof, this is not a case, which would justify custodial interrogation. Hence, the interim order stands confirmed.

7. The Applicant is directed to report to the Investigating Officer as and when required by the Investigating Officer.

8. The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

9. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)