

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

ANTICIPATORY BAIL APPLICATION NO. 733 OF 2023

Ankit Dilipkumar Singh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Pradeep Singh a/w. Mr. Ashutosh Ratudi for the Applicant.
Mr. R.M. Pethe, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th MARCH, 2023.

P. C. :-

1. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No.1012/2022 registered with Charkop Police Station, Mumbai for offences punishable under sections 323, 354, 376(2)(n), 504, 506, 509 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the 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 the victim. The victim has alleged that she came to know the Applicant

on a matrimonial site. In pursuance thereto, the victim, the Applicant and their respective family members met and with consent of the family, the Applicant agreed to marry the victim. The engagement ceremony was held on 02/10/2022. She has stated that thereafter, the Applicant came to her workplace and had physical relationship with her without her consent and against her will. She claims that the Applicant had forced her to have physical relationship with him on several dates under the threat of making her obscene video clips viral. She claims that the Applicant thereafter refused to marry her. She claims that the Applicant had abused, assaulted and threatened her and has outraged her modesty. She has further stated that the Applicant had threatened to forward her video to her friend – Ashraf Ansari.

4. The records reveal that the Applicant had also filed FIR against the victim wherein he has stated that the victim was already married and that this fact was not disclosed to him by the victim as well as her parents. The statement of one – Ashraf has been recorded. He claims that he was married to the victim. Learned APP, under instructions from the Investigating Officer, states that the Investigating Officer has verified the nikahnama and that the previous marriage of the victim is still subsisting.

5. A perusal of the FIR lodged by the victim prima facie indicate that the Applicant and victim, both adults, had physical relationship with each other. It appears that the Applicant has refused to marry her since he learnt that the victim was already married. It is under this circumstance, that both the parties have filed complaints and cross-complaints against each other.

6. Considering the above facts and circumstances, this would be a fit case for grant of pre-arrest bail. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.1012/2022 registered with Charkop Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for four days from 13/03/2023 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigating Officer ;

(c) The Applicant shall handover his mobile phone to the concerned Investigating Officer ;

(d) The Applicant shall not interfere with the complainant/victim in any manner and shall not circulate the photographs or videos of the victim on social media or in any other form ;

(e) The Applicant shall not interfere with the witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(f) 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.

7. The Application stands disposed of.

PREETI
H JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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