



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

BAIL APPLICATION NO. 2378 OF 2023

ABHISHEK UPADHYAY

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Tarun Sharma a/w Adv. Varsha Sharma and Adv.
Manish Thakur for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

PSI Sachin Shedage, Kashimira Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 01, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 376(2)(n), 354-C, 504, 506, 509 of the Indian Penal Code and Section 66(E) of the Information Technology Act, 2000, registered on 04/01/2023 vide C.R. No. 08 of 2023 with Kashimira Police Station.
3. The applicant was arrested on 04/03/2023. The prosecutrix alleged that the applicant was working along

with her in one company. They had a love relationship. They engaged in physical relations on several occasions. According to the prosecution, the applicant had taken money from the prosecutrix which the applicant did not return. It is alleged that the applicant had threatened the prosecutrix that he would make her explicit video viral.

4. Learned APP opposed the application contending that the offence is serious.

5. *Prima facie*, the relationship between the parties appears to be consensual in nature. There appear to be some financial dealings between the applicant and the prosecutrix. It is the grievance of the prosecutrix that the applicant has not returned her money which he had borrowed from her. The mobile phone of the applicant is seized and has been sent for FSL. As of now, there is no material on record to indicate that there is any obscene video in the mobile phone of the applicant. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. The applicant is in custody for more than 9 months.

In the facts and circumstances of the present case, further custody of the applicant will only be by way of a pre-trial punishment. In this view of the matter, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Abhishek Upadhyay in connection with C.R. No. 08 of 2023 registered with Kashimira Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Kashimira police station as and when called.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated,

in case there is any change.

(g) The applicant shall not establish any contact, threaten or intimidate the prosecutrix.

(h) After being released on bail, except for the purpose of attending the Investigating Officer, the applicant shall not enter the jurisdiction of Kashimira police station or the jurisdiction of the police station where the prosecutrix is working, till the trial concludes.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(j) The applicant shall surrender his passport, if any, to the investigating officer.

(k) If any of the conditions are breached, the same shall be viewed seriously and may also invite the consequences of cancellation of this bail.

6. The application is disposed of.

(M. S. KARNIK, J.)