

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

**ANTICIPATORY BAIL APPLICATION NO. 3054 OF 2021**

1. Mr. Rajeev Rameshchandra Jhunhunwala  
2. Mr. Rameshchandra Satyanarayan Jhunhunwala  
3. Mrs. Shital Rajeev Jhunhunwala  
4. Mrs. Pushpa Rameshchandra Jhunhunwala  
5. Ms. Harshika alias Honey Rajeev Jhunhunwala  
6. Mr. Ayush Rajeev Jhunhunwala ..... Applicants  
(This Application has been withdrawn as against Applicant Nos.1 and 2 vide Court's order dated 10/01/2022)  
v/s.  
The State of Maharashtra and anr. .... Respondents

**WITH  
INTERIM APPLICATION NO. 1341 OF 2022  
IN  
ANTICIPATORY BAIL APPLICATION NO. 3054 OF 2021**

Mrs. XYZ ..... Intervenor

**In the matter between :-**

Mr. Rajeev Rameshchandra Jhunhunwala and ors. .... Applicants  
v/s.  
The State of Maharashtra and anr. .... Respondents

Mr. Niranjana Mundargi a/w. Ms. Lisa Das and Ms. Keral Mehta  
i/b. Jay and Co. for the Applicants.  
Ms. A.A. Takalkar, APP for the State.  
Mr. Drupad Sopan Patil, advocate appointed for Respondent No.2.  
Mr. C.D. Dalvi, PSI, Malad Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 11<sup>th</sup> AUGUST, 2023.**

**P. C. :-**

. This is an Application under section 438 of Cr.PC. filed by the  
aforesaid Applicants apprehending their arrest in C.R.No.836/2021

registered with Malad Police Station, Mumbai for offences punishable under sections 323, 377, 504, 506 r/w. 34 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicants, Ms. A.A. Takalkar, learned APP for the State and Mr. Drupad Patil, learned counsel for Respondent No.2, who has vehemently opposed the application. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that the Applicants and the first informant were neighbours. They were residing on the same floor of the building at Malad. Their relationship was strained. The first informant and her family members shifted to Kandivali in January, 2021. The first informant, the mother of the victim, lodged the FIR dated 06/11/2021 alleging that on the day of 'Gokulashtami' which was on 30/08/2021, the victim told her that on 25/11/2020, at about 06:00 p.m., when he had visited the house of the Applicants, he saw the Applicant No.1 who is 80 years of age and his son-the Applicant No.2 who is in mid fifties, watching some video on their mobile. They forced him to watch the said pornographic video under threats. They touched him inappropriately.

The Applicant No.1 disrobed him while the Applicant No.2 kiss him and took his penis in his mouth. The Applicant No.1 allegedly video recorded the incident and threatened to make it viral if he disclosed the incident to anyone. It is alleged that about three days later, the co-accused-the spouses of the Applicants herein, threatened to make the video viral, in case he disclosed the incident to anyone.

4. The only allegations against these Applicants is that they slapped the victim and threatened him to make the video viral in case he disclosed the incident to anyone. It may be mentioned that by order dated 04/08/2023 passed in Anticipatory Bail Application No.345/2022, this Court had granted pre-arrest bail to the co-accused who had allegedly sexually assaulted the child. Considering the role attributed to these Applicants and for the reasons stated in the order dated 04/08/2023, in my considered view, these Applicants are also entitled for pre-arrest bail. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.836/2021 registered with Malad Police Station, Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation ;

(c) The Applicants shall not interfere with the victim in any manner ;

(d) The Applicants 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 ;

(e) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application as well as Interim Application stands disposed of in above terms.

PREETI  
HEERO  
JAYANI

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Date: 2023.08.11  
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(SMT. ANUJA PRABHUDESSAI, J.)