

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

ANTICIPATORY BAIL APPLICATION NO. 2038 OF 2024

Brijesh Shamkumar Das

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Tanmay Karmarkar, for the Applicant.
- Mr. Shahaji Shinde, "A Panel Counsel with Ms. Rutuja Ambekar, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 19th August, 2024.

P. C. :

1. Heard Mr. Tanmay Karmarkar, learned counsel for the applicant and Mr. Shahaji Shinde, learned APP for the respondent – State.
2. The applicant apprehends arrest in connection with First Information Report No.0525 of 2024, dated 08.06.2024, registered at Police Station Shahupuri, District Kolhapur, for offences under Sections 384, 406 and 420 of the Indian Penal Code (IPC).
3. The informant has stated that the applicant lured and induced the daughter of the informant, who was about 15 years and 6 months old, by remaining in touch with her on social media and whatsapp. He gave various reasons for asking the informant's daughter to part with jewelry worth about ₹ 25,95,000/-, over a period of time. On that basis, the aforesaid offences have

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been registered.

4. The learned counsel for the applicant submits that a perusal of the whatsapp chats allegedly exchanged between the applicant and the informant's daughter would show that it was the informant's daughter who was in touch with the applicant and she was pursuing him. By placing reliance on the said whatsapp chats, it is submitted that the informant's daughter appeared to be unhappy with her family and thereafter, when the interaction between the applicant and the informant's daughter came to light, false allegations were made, on the basis of which the FIR has been registered.

5. It is further submitted that offences under Section 406 and 420 of the IPC are mutually contradictory and further that the applicant is ready to deposit his mobile phone and that his physical custody may not be necessary.

6. On the other hand, learned APP has vehemently opposed the present application. He submits that the statement of the informant as well as the statement of his daughter recorded during the course of investigation bring out the manner in which the applicant initially induced and then threatened the informant's daughter into parting with valuable jewelry. It is submitted that this Court may not show any indulgence to the applicant.

7. This Court has perused the statement of the informant, leading to

registration of the FIR. The specific allegations *prima facie* show the ingredients of the alleged offences.

8. The statement of the informant's daughter, who is about 15 years and 6 months old, is crucial. While, the applicant claims that the informant's daughter was pursuing him and perhaps when the interaction between him and the informant's daughter came to light, that false allegations have been made, but, a perusal of the statement of the informant's daughter recorded during the course of investigation not only indicates the manner in which the applicant allegedly lured the minor girl into initially parting with valuable jewelry, but subsequently allegedly threatened the minor child with making public her photographs and chats exchanged between the two, which would have the effect of maligning the minor child.

9. The statement of the minor daughter of the informant, in the facts of this Court, indicates that the contentions raised on behalf of the applicant, at this stage cannot be accepted.

10. As regards the offer on the part of the applicant to deposit his mobile, that in itself cannot be ground to show any indulgence, for the reason that jewelry worth about ₹ 25,95,000/- has been allegedly taken by the applicant and recovery of the same is also a relevant aspect of the matter. As to whether there is contradiction between offences under Sections 406 and 420

of the IPC, this is not the stage to discuss the same, while considering the prayer for anticipatory bail.

11. In view of the above, the application is dismissed.

(MANISH PITALE, J.)