

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

ANTICIPATORY BAIL APPLICATION NO.3484 OF 2024.

Prashant Arjun Misal

...Applicant

Vs

The State of Maharashtra

...Respondent

Mr. Somnath Thengal for the Applicant.

Mr. Sagar R. Agarkar, APP for the Respondent-State.

Mr. Mohammad S. Mulla for the Original complainant.

Mr. V. C. Zinjurke, PSI, Gandhinagar Police Station, Kolhapure.

CORAM: MANISH PITALE, J.

DATE : 20th DECEMBER, 2024.

P. C.:

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.451 of 2024 dated 27/10/2024 registered with Gandhinagar Police Station, District-Kolhapur, for offences punishable under Sections 308(2), 308(3), 75, 79, 351(2) of Bhartiya Nayaya Sanhita, 2023 (for short, BNS) and Section 26(2)(i), 26(2) (ii), 26(2)(iv), 27(3)(e), 30(2) (a), 59 of Food Safety Act, 2016.
3. The Informant in the present case is a married woman and her grievance in the statement leading to registration of FIR is that the accused persons were constantly harassing her and her husband and

demanding money under the threat that they had inappropriate and half nude photographs of the informant with the co-accused persons who was acquainted with her before marriage.

4. Accused persons threatened that if amounts were not paid to them, they would make such photographs viral on social media.

5. Mr. Thengal, learned counsel for the applicant submits that the allegations regarding acquaintance and friendship of the informant pertains to the co-accused person and the applicant is merely a friend of the co-accused person. It is submitted that since the dispute between the parties could not be amicably settled, the applicant has been unnecessarily roped in as an accused in the present case.

6. Mr. Agarkar, learned APP on the other hand has vehemently opposed the application and submitted that the statement of the informant clearly makes out ingredients of the serious offences registered in the present case. The role of the applicant is also stated in detail. It is brought to the notice of this Court that during the course of investigation statement of the husband of the informant was recorded wherein he has specifically described how the applicant approached him and showed him semi nude objectionable photographs of his wife and demanded Rs.3 Lakhs, failing which he threatened that the said photographs would be made viral on social media. It was further submitted that the applicant has criminal antecedents as there

are as many as 5 criminal cases registered against him, one of which is FIR No.159/2024, concerning serious offences under Section 307 and 326 of the IPC. It is submitted that such a person ought not to be shown any indulgence by the Court.

7. Learned counsel having instructions to appear on behalf of the first informant submits that he has written instructions to give no objection for the present application being allowed.

8. This Court has considered the submissions in the backdrop of the statement of the informant leading to registration of the FIR, as also the investigation papers brought to the notice of this Court.

9. The allegations made in the statement of the informant are extremely serious and they pertain to crime against woman. There is clear allegation, not only against co-accused person who was said to be having friendly relations with the informant prior to her marriage, but there are specific allegations as against the applicant also. It is specifically stated that the applicant had threatened the informant that unless she paid an amount of Rs.50,000/- the aforesaid objectionable photographs would be made viral on social media. It is further specifically stated about an incident wherein the applicant allegedly called the husband of the informant and again made the same demand with an identical threat. The investigation papers show statement of the husband of the informant making further allegations

against the applicant that he was shown objectionable photographs of the informant on his mobile phone and then demanded Rs.3 lakhs, failing which it was threatened that photographs of the informant would be made viral on social media.

10. These are extremely serious allegations and in that light, the theory sought to be propounded on behalf of the applicant cannot be accepted that he is merely a friend of the co-accused person and he is wrongly roped in because the dispute between the parties could not be settled amicably. The ingredients of serious offences are clearly made out.

11. As regards the instructions received by the learned counsel for the first informant, suffice it to say that such statement made on behalf of the informant can also be taken as an indication of the manner in which the applicant is able to influence the informant during the pendency of the investigation. This appears to be a view that can be adopted in the backdrop of the fact that the applicant has criminal antecedents. There are 5 criminal cases pending against him, one of which concerns serious offence under Section 307 and 326 of IPC. Merely because in one of the cases the applicant has been granted relief by the Supreme Court, it cannot be said that the prayer in the present application can be considered positively. In any case, the Supreme Court granted him relief on 1/10/2024, while this Court is

concerned with the present offence wherein FIR has been registered thereafter on 27/10/2024. The aforesaid fact indicates that the applicant having been granted relief by the Supreme Court on 1/10/2024, as per statement of informant, on 23/10/2024, the applicant gave threat to her husband thereby indicating that the applicant has a propensity to commit such offences and *prima facie* case is made out against him. No relief can be granted to such an applicant.

12. The Application is dismissed.

[MANISH PITALE, J.]