

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 414 OF 2024

Tejas Shankar Mali

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Anagha Pedgonkar a/w Ms. Pooja Dongre, for Applicant.
- Mr. Kiran C. Shinde, APP for State.
- Mr. Ram Chopada, P.I. Manpada Police Station, Dombivali.

CORAM : MANISH PITALE, J.

DATE : 10th JUNE, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP.
2. By the present application, the applicant is seeking bail in the context of First Information Report (FIR) registered on 16th May, 2023 against the Applicant for the offences under Sections 376, 376(2)(j), 376 (2)(n), 504, 506 and 323 of the Indian Penal Code and Section 67(A) of the Information and Technology Act, 2000. The applicant was arrested on 16th May, 2023 itself and the charge-sheet was filed on 07th July, 2023.
3. Copy of the charge-sheet along with documents is placed on record along with the application. The learned counsel for the applicant has invited attention of this Court to the material on record and it is submitted that this is case of love affair between the applicant / accused and the alleged

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victim on whose statement the aforesaid FIR has been registered. It is submitted that the material on record shows that the alleged victim herself voluntarily accompanied the applicant to a lodge on various dates and that therefore, it is clear that once the affair went wrong, she turned around and as a matter of counter blast initiated the criminal process. It is further submitted on behalf of the applicant that the investigation having been completed and the charge-sheet having already been filed, considering the fact that the applicant has no antecedents, this Court may consider granting bail to the applicant.

4. It is further submitted in the context of copies of certain Whatsapp chats placed on record along with the charge-sheet that the said chats ought to be read in the context that the applicant was drunk and in an inebriated state when he had made certain statements in the Whatsapp group and uploaded certain photographs. It is emphasized that the photographs were thereafter deleted by the applicant. It is submitted that this Court may impose appropriate conditions and enlarge the applicant on bail.

5. On the other hand, learned APP submitted that the material on record sufficiently demonstrates the involvement of the applicant. The material on record, particularly the chats in the Whatsapp group placed on record along with the charge-sheet show the attitude and approach of the

applicant, which appears to be obsessive and there is every possibility of the applicant causing harm to the victim, if at all he is released on bail.

6. It is further submitted that the list of witnesses placed on record along with the charge-sheet shows that the prosecution would be examining only 19 witnesses, most of whom are official witnesses and panch witnesses, thereby showing that effectively there would be about three witnesses on the prosecution side to prove the offence against the applicant.

7. This Court has considered the material on record in the light of the submissions made by the learned counsel for the applicant and the learned APP.

8. It appears that the applicant and the victim did know each other and that there was familiarity between them. The material on record does indicate that they were in touch with each other and they may have had certain feelings for each other.

9. But, considering the specific allegations made by the victim against the applicant and the approach of the applicant evident from the chats in the Whatsapp group placed on record along with the charge-sheet, the applicant *prima facie* appears to be of an obsessive nature. This Court has specifically perused the chats in the Whatsapp group that included the victim

and her relatives, which indicate the aggressive and obsessive nature of the applicant, particularly in the light of the threats that he has advanced in such chats. It appears that he also uploaded his photographs taken along with the victim, which appear to have been subsequently deleted. Mere deletion of the photographs cannot inure to the benefit of the applicant, for the reason that the nature of the applicant appears to be of an aggressive and obsessive nature and this is crucial in such cases where there is serious apprehension of harm being caused to the victim, if at all the applicant is released on bail.

10. In view of the above, the application is dismissed. The Trial Court is directed to expedite the trial and as far as possible to complete the same within a period of one year from today.

11. The applicant is directed to cooperate with the Trial Court, so that the trial is completed within the aforesaid period of time. In the event, the trial is not completed in the aforesaid period of time and the delay is not attributable to the applicant, liberty is reserved for the applicant to renew the prayer for bail, after a period of one year from today.

(MANISH PITALE, J.)