

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2424 OF 2024

Parth Ashok Furtado ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. A. R. Sutrale i/b. A. Sutrale for Applicant.

Mr. Bapu Vitthalrao Holambe-Patil, APP for Respondent-State.

Mr. Sunil Sonawane, PSI, Charkop Police Station.

CORAM : MANISH PITALE, J.
DATE : JULY 16, 2024

P.C. :

. Heard Mr. Sutrale, learned counsel for the applicant and Mr.Holambe-Patil, learned APP for the respondent-State.

2. The applicant is seeking bail in connection with offences registered under Sections 323, 341, 376(2)(n), 500 and 506 of the Indian Penal Code, 1860 (IPC) as also under Section 67 of the Information Technology Act, 2000 as per FIR No.0640 of 2023 dated 12.12.2023 registered at Charkop Police Station, District - Brihanmumbai.

3. The applicant was arrested on the date of the FIR i.e. 12.12.2023 and he has remained behind bars since then.

4. It is the case of the informant (victim) that she was initially in touch with the applicant (accused) as they are from the same neighbourhood. It is her case that after the two of them separated, the applicant repeatedly got in touch with her and threatened her to continue the relationship, failing which he would spread her videos and photos on social media. He told her that he would delete such videos and photos if

she came to meet him. Under this pretext, on more than one occasion, the applicant forcibly had sexual intercourse with the informant.

5. The informant has described the instances in graphic detail in her statement, which led to registration of the FIR. Pursuant to the investigation, charge-sheet was filed in February, 2024 and as on today, the applicant is still behind bars.

6. The learned counsel for the applicant submits that when the relationship between the informant and the applicant became known to the family of the informant, she turned around and she was provoked into filing the false case against the applicant. It is submitted that the applicant is a young man, who is still taking education and he has already remained behind bars for more than 7 months. It is submitted that this Court may consider these factors, as also the fact that the applicant does not have any criminal antecedents, to take a lenient view in the matter.

7. The learned APP has opposed the prayer for bail by submitting that the statement of the informant, leading to registration of the FIR, medical evidence and the material on record along with the charge-sheet sufficiently indicate that the ingredients of the offences registered against the applicant are clearly made out.

8. This Court has perused the material on record. It appears that initially, the informant and the applicant were in a relationship. But, this does not mean that the applicant would have the liberty to force the informant to continue the relationship and in that light, threaten her with making her videos and photos viral on social media. The nature of allegations against the applicant is serious, for the reason that according to the informant, the applicant forced herself on her on more than one occasion by calling her under the pretext of deleting such videos and

photos. There is enough material to indicate a strong *prima facie* case against the applicant, for the reason that such photos and videos being made by the applicant itself shows the criminal bent of mind of the applicant. Although the applicant is a young man and he has already undergone more than seven months of incarceration, considering the nature of allegations and the supporting material on record, this Court is not inclined to entertain the prayer made in the present application. The bail application is rejected.

9. The trial Court is expected to complete the trial as expeditiously as possible.

(MANISH PITALE, J.)

Minal Parab