

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

ANTICIPATORY BAIL APPLICATION NO. 711 OF 2024

Bhavesh P. Bhide	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Rizwan Merchant a/w. Mohammed Zain Khan a/w. Ashraf Kapoor i/b. One Legal for Applicant.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.
Mr. Pravin U. Gaikwad a/w. Vashish Arora for Informant.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 13 MARCH 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.38 of 2024 registered at Mulund (West) Police Station, Mumbai, on 24.01.2024, under Sections 376, 354, 323, 504 and 506 of the Indian Penal Code.
2. Heard Mr. Rizwan Merchant, learned counsel for the applicant, Ms. Pallavi Dabholkar, learned APP for the State and Mr. Pravin Gaikwad, learned counsel for the first informant.
3. The F.I.R. is lodged by the victim herself. She has stated

that, she knew the present applicant since past 14 years. Since 2010, she was working with the applicant's company. During their association they got friendly and their relationship turned into a love affair. The informant was aware that the applicant was married and had children. Even then she continued to work in his company and continued their physical relations. In 2016, the applicant was suffering from financial losses and, therefore, he pleaded with the informant to start another company. Accordingly, another company was formed and the informant was the Director in that company. She has clearly stated that, they continued to have their physical relations. Subsequently, there used to be quarrels between them and the informant wanted to break their relations. However, the applicant was not willing to sever their relations. It is her case that, on 15.12.2023, she finally told the applicant that she did not want to continue having relationship with him. At that time the applicant took away all her authority in the company and obtained signatures on various documents.

4. On 30.12.2023, the applicant went to her house and had forcible physical relations. He continued asking her to keep

physical relations. On 06.01.2024, he came to her house and behaved objectionably in the lobby of her apartment. On 22.01.2024, he again went to her house and threatened her. He outraged her modesty. On these allegations, the F.I.R. was lodged.

5. At the outset, learned APP, on instructions of the investigating officer, makes a statement that the investigating agency does not want to arrest the applicant for the purposes of custodial interrogation. The statement is recorded.

6. Under the normal circumstances, this statement would have been enough to allow this anticipatory bail application. However, the informant appeared through her lawyer and put forth her further grievance. He submitted that, after the F.I.R. was lodged, the applicant has been harassing her. He had given some application in the form of complaint to the same police station. He had not stopped at that, but he pasted a notice on the door of her flat which had caused immense agony to the informant. The applicant is falsely making allegations that the informant is demanding money from the applicant to settle the matter. He

submitted that the applicant is following her and trying to find her new address. He, therefore, submits that, considering this harassment, the informant is not feeling safe.

7. Learned counsel appearing for the applicant did not accept the allegations made by the learned counsel for the applicant. However, he submitted that the applicant shall abide by all the conditions which may be imposed on him. He shall not cause any harassment to the informant in any manner. He shall stay away from the informant henceforth. He further submitted that, considering the long standing relationship, it was a consensual relationship and the offence as alleged in the F.I.R. is not made out.

8. I have considered the submissions made by learned APP, as well as, by both the learned counsel appearing for the informant and for the applicant. Taking into account all these submissions, at this stage, the applicant can be protected by way of ad-interim relief; but with stringent conditions, so that, there is no harassment caused to the informant. The applicant's conduct can

be monitored by the investigating agency, till the next date before this Court.

9. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.38 of 2024 registered at Mulund (West) Police Station, Mumbai, till the next date, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) This order shall operate till 23/04/2024.
- iii) The Applicant shall mark his presence at Mulund (West) Police Station twice a week till the next date before this Court.
- iv) The Applicant shall not cause any harassment in any form to the informant.
- v) The applicant shall not try to contact the informant. He shall not follow her either by himself or through his friends.
- vi) The informant is at liberty to make an application

for cancellation of this ad-interim relief, if there is violation of any of these conditions.

vii) Stand over to 23/04/2024.

(SARANG V. KOTWAL, J.)