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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1411 of 2024

Anurag Brijesh Tiwari
Age-39 years, Occ-Service,
Residing presently at-Village-Ghuripur,
Post-Kutharakhurd, Lambhua,
Dist. Sultanpur,
U.P. - 222303 ... Applicant
v/s.

1. State of Maharashtra
(Through Manpada Police
Station, Dist. Thane)

2. Renu Indresh Tiwari,
Age: 36 years, Occ.: Service,
R/at Sai Samarth Bldg.,
D-Wing, R.No.301, In Patel Dairy,
Bhopar Road, Dombivali (E), Thane.

... Respondents

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Mr Sandeep Mishra, i/b. Vijay Tiwari, for the Applicant.

Mr Arfan Sait, APP, for Respondent State.

Ms Utkarsha Wadekar, Appointed Advocate for Respondent
No.2/Complainant.

Renu Indresh Tiwari, Respondent No.2/Complainant-in-person
present.

API Bansode, Manpada Police Station, Thane, is present.

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Coram : R.N. Laddha, J.

Date : 13 September 2024

P.C. :

. Heard Mr Sandeep Mishra, the learned Counsel appearing on behalf of the applicant; Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State; and Ms Utkarsha Wadekar, the learned Counsel appearing for respondent no.2.

2. The applicant is apprehending arrest in connection with CR No.507 of 2023, registered with Manpada Police Station, Thane, for the offences punishable under Sections 354, 354-A and 420 of the Indian Penal Code.

3. The allegations against the applicant are that on 12 April 2023, he visited the first informant's house for their engagement and gifted her a saree and a gold ring. The next day, he returned to her house and invited her into the bedroom, where he made inappropriate physical advances. On 22 May 2023, he demanded Rs.6,00,000/- from the first informant to start a new business. Additionally, on 15 June 2023, he took a 20 grams gold chain from her. However, the applicant neither returned the money nor made any contact with the first informant, leading her to file the complaint with the police.

4. Mr Sandeep Mishra, the learned Counsel for the applicant, invites the attention of this Court to the FIR and submits that the applicant did not express any grievance from the alleged incident in

2023 until the filing of the FIR on 10 July 2023. Furthermore, the applicant consistently transferred funds to the first informant's account. The learned Counsel emphasises that the allegation of the name change is incorrect; in reality, it is his nick name.

5. The learned APP resisted the application and submits that that given the severity of the offence, the applicant is not entitled for grant of anticipatory bail. However, the learned APP acknowledges that the investigation is almost over.

6. Upon perusing the records, it appears that the first informant and the applicant herein were involved in a romantic relationship and were planning to marry, but eventually, the marriage did not materialise. The allegations of molestation date back to 13 April 2023, with the FIR being filed on 10 July 2023. The bank statements *prima facie* suggest that the applicant transferred funds from his account to the first informant also. The Sessions Court denied the applicant's anticipatory bail primarily for two reasons : first, the applicant received Rs.6,00,000/- from the first informant, and second, the investigating officer informed the Court that the address provided by the applicant in his bail application was incorrect, and the applicant had assumed the identity of the informant. Considering that the applicant has been under interim protection since 10 June 2024, and considering the nature of the allegations and the factual backdrop in

which the allegations were made, and the fact that the investigation is nearing completion, this Court is inclined to exercise the discretion in favour of the applicant.

7. Accordingly, the interim protection granted on 10 June 2024 is made absolute on the same terms and conditions. In addition to that, the applicant shall attend the concerned police station as and when required by the Investigating Officer and furnish the identity details and latest contact details to the Investigating Officer. The applicant shall not, himself or through any other person, indulge in activity that would tamper the prosecution evidence/witnesses.

(R.N. Laddha, J.)