

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

Anticipatory Bail Application No. 2009 of 2024

Vaibhav Vijay Angrakh
Age 21 years, Occ. Service,
R/at. 39, Near Birla College,
Kalyan (West), Thane.

...Applicant

Vs.

1. The State of Maharashtra
(Through Khadakpada Police Station)
Thane.

2. XYZ

R/at. Azad Nagar No.1,
Kesar Mill, Near Congress Office,
Thane.

...Respondents

Mr Pandit Kasar, for the applicant.

Mr Yogesh Dabake, APP, for the respondent/ State.

PI Ajit Shinde, Khadakpada Police Station, Kalyan, is present.

Coram: R. N. Laddha, J.

Date: 26 July 2024

P.C.

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.513 of 2024, registered at Khadakpada Police Station, Thane, for offence punishable under Sections 376, 376(2)(n), 377, 504, and 506 of the Indian Penal Code.

2. The prosecution alleges that the applicant and the informant initially connected via social media. The applicant, under the pretext of marriage, repeatedly subjected the informant to sexual assault. He recorded her indecent videos and photographs. The informant endured both mental and physical harassment and was coerced into a physical relationship.

3. Mr Pandit Kasar, the learned Counsel appearing on behalf of the applicant, asserts that the informant and the applicant have been in a consensual relationship since 2021. The applicant, presently serving as a police constable, during his probationary period, is ready and willing to cooperate with the investigation.

4. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/State, submits that offence is serious. The applicant, who has already been suspended from service, blackmailed the informant to satisfy his lust. Even after the FIR was filed, the applicant continued to abuse and threaten the informant. The applicant is accused of recording obscene videos of the informant and repeatedly threatening her with bodily harm. His call records to that effect corroborate with these allegations. The investigation is at a nascent stage. Given that the applicant is employed in the police department, there is a concern that if granted bail, he may tamper with the prosecution evidence and influence the witnesses.

5. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered a general rule, the same analogy cannot be applied to anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, considering each case's specific circumstances. A straight jacket formula cannot be applied. While exercising this power, the Court must exercise caution, as granting protection in serious cases could potentially lead to a miscarriage of justice or hinder the investigation by allowing

tampering or destruction of evidence. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Shrikant Upadhyay & Ors. v. State of Bihar & Anr.*¹

6. Upon perusal of the material available on record, it appears that the applicant, who works in the police department, verbally abused the informant using a filthy language and made threats against her life by suggesting dismemberment her body parts into pieces. The material on record provides sufficient grounds to implicate the applicant in the crime. The mobile phone and other devices containing indecent photographs and videos related to the informant have not yet been recovered. Considering the nature of the allegations, the applicant's conduct, and the nascent stage of the investigation, the argument against granting pre-arrest bail put forth by the learned APP is justified. As a result, the present application stands rejected.

(R. N. Laddha, J.)

1 2024 SCC OnLine SC 282.