

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

Anticipatory Bail Application No.2140 of 2024

Tushar Suryakant Yadav

Age: 33 years, Occ: Bank Manager,

R/a : Pawar Mala, Sulewadi, Vita,

Sangli, District-Sangli

... Applicant.

Vs.

The State of Maharashtra

(through Vakola Police Station)

... Respondent.

Ms Shivani S. Kondekar for the applicant.

Mr Amit A Palkar, APP for the State.

PI Dinesh Dahatonde, Vakola Police Station, is present.

Coram : R.N.Laddha, J.

Date : 1 August 2024.

P.C. :

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.0679 of 2024, registered at Vakola Police Station, Mumbai, for the offences punishable under Sections 376(2)(n) and 420 of the Indian Penal Code, 1760.

2. The prosecution alleges that between 2019 and 2023, the applicant engaged in a physical relationship with the informant. After gaining her trust, the applicant deceived her and misappropriated an amount of Rs.13,00,000/-. Subsequently, the applicant abruptly ceased communication with the informant,

causing her significant mental stress. The applicant had previously promised to marry the informant but failed to fulfil this commitment for various reasons. As a result, the informant filed a complaint leading to the registration of the offence.

3. The learned Counsel for the applicant submits that the applicant holds the position of Manager at ICICI Bank. The victim claimed that the applicant accepted Rs.13,00,000/- from her under the belief that it was necessary for his mother's Cancer treatment. Therefore, there was no false inducement on the part of the applicant. The applicant misused the investigating agency to recover her pending dues. The FIR itself suggests that the physical relationship between the applicant and the victim was consensual, and nothing is to be recovered from the applicant. Given these facts, custodial interrogation is unnecessary.

4. On the other hand, the learned APP, contends that the applicant, having gained the informant's trust, subsequently misled her and engaged in a physical relationship. Additionally, the applicant received Rs.13,00,000/- by inducement, and the investigation is in progress. The learned APP expresses concern about tampering with the evidence and influencing the witnesses.

5. This Court has considered the material on record in light of

the rival submissions. The FIR describes a detailed account of the alleged incident. The relationship between the applicant and the victim appears to have persisted from July 2019 to September 2023. The FIR was filed in July 2024. The relationship seems consensual, and they were both adults of legal age. The grievance of the informant, prima facie, seems that the applicant abruptly ceased communication with her causing her mental stress. The informant's allegation that the applicant induced her to part with Rs.13,00,000/- appears to be bereft of details. The learned APP acknowledges that the investigation is almost complete. Given these circumstances, the Court finds no reason to deny bail to the applicant in anticipation of his arrest. Accordingly, the application is allowed in the following terms.

- (i) In the event of the applicant's arrest in CR No.0679 of 2024, registered at Vakola Police station, Mumbai, he be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant, himself or through any other person, shall not indulge in any activity

that would tamper with the evidence or influence the witnesses.

6. Needless to say, the violation of any of the aforesaid conditions may lead to cancellation of bail. It is also clarified that the observations made in this Order are limited to the disposal of the present anticipatory bail application.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]