

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2385 OF 2024

Mohsin Gous Sayyed ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Hashim Ansari for Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. A. S. Chorge, PSI, Saswad Police Station.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 09, 2024

P.C. :

. Heard Mr. Ansari, learned counsel for the applicant and Ms.Bajoria, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0256 of 2024 dated 18.07.2024 registered with Saswad Police Station, District - Pune Rural, for offences under Sections 376(2)(n), 406, 417 and 420 of the Indian Penal Code, 1860 (IPC).

3. The allegation of the informant is that she, being a divorcee, was looking for appropriate alliances for her second marriage and accordingly, she visited a matrimonial website, wherein she found the profile of the applicant. The status was shown as 'unmarried'. On this basis, she kept in touch with the applicant and during the course of couple of months, they met with each other and in that duration, they also had physical relationship. It is also alleged that since the informant developed faith in the applicant, the mother of the informant allegedly gave an amount of Rs.2.5 lakhs in cash to the applicant.

4. But, the informant subsequently came to know from the

applicant's friends that he was actually a married man and had a girl child from the marriage. On this basis, the aforesaid offences have been registered.

5. The learned counsel for the applicant submits that the matrimonial life of the applicant with his wife is disturbed and they are living separately. It is submitted that during the course of association between the applicant and the informant, it was the informant who had paid the bills of hotels where they had spent time. It is further submitted that the applicant is ready to co-operate with the investigation and since he is the lone earning member of the family, this Court may consider showing indulgence.

6. On the other hand, the learned APP has vehemently opposed the applicant submitting that the statement of the informant itself makes out all the ingredients registered against the applicant. On this basis, the learned APP has prayed for dismissal of the application.

7. In the present case, few undeniable facts have come on record. Firstly, that the applicant recorded his status in the matrimonial website as 'unmarried', when it is an admitted position that the applicant is still a married man and he has one child from the marriage. It is a different matter that according to the applicant, his matrimonial life is disturbed. Secondly, the informant has clearly stated that she associated with the applicant and continued her association for couple of months, which included physical intimacy on the representation made by the applicant that he was an unmarried man. Thirdly, there is also an allegation of cash amount of Rs.2.5 lakhs allegedly being given by the mother of the informant to the applicant. Fourthly, it is specifically stated that after 19.06.2024, when the informant developed suspicion, she reached out to the friends of the applicant on social media, who informed her that the applicant is a married man, having girl child from the marriage.

8. The aforementioned factors *prima facie* do make out ingredients of the offences registered against the applicant and no case is made out for granting anticipatory bail. Hence, the application is dismissed.

(MANISH PITALE, J.)

Minal Parab