

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

Anticipatory Bail Application No.2434 of 2024

Vikas Prakash Yadav

Age: 43 years, Occ. Service;

Residing at 1706, 17th Floor,

Suraksha Fern CHSL, Oravia Complex,

Kavesar, G.B. Road, Thane (West),

VTC: Thane, PO : Kasarvadavali,

Thane – 400 615,

Mobile No.: 90047 32645

... Applicant.

v/s.

1) The State of Maharashtra

(At the instance of I/P,

Kasarwadavali Police Station, Thane).

2) Ms XYZ

Flat No.601, Gulmohar Greens,

Kanti Road, Bhilgaon, Nagpur 400 026... Respondents.

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Mr Shailesh Kantharia, a/w. Mr Mangesh Pawar, i/b. Asmitaa Bhoir, for the Applicant.

Ms Supriya Kak, APP, for Respondent State.

Mr Siddharth Jagushte, Legal Aid appointed Advocate for Respondent No.2.

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Coram : R.N. Laddha, J.

Date : 30 September 2024

P.C. :

Heard Mr Shailesh Kantharia, the learned Counsel,

appearing on behalf of the applicant; Ms Supriya Kak, the learned Additional Public Prosecutor, appearing on behalf of the respondent/ State; and Mr Siddharth Jagushte, the learned Counsel for the informant/respondent No.2.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.1239 of 2024, registered at Kasarvadvali police station, Thane, for offences punishable under Sections 376(2)(n) of the Indian Penal Code.

3. The prosecution's case, in brief, is that the applicant registered himself on a matrimonial website, where the informant had already created a profile. Through this online platform, two individuals became acquainted and began communicating. The applicant took the initiative to send a marriage proposal to the informant, falsely presenting himself as a divorcee. This misrepresentation was a crucial factor in gaining the informant's trust and confidence. Believing the applicant's representation and impression that he had genuine intentions of marriage, the informant agreed to enter into a relationship with him. The applicant leveraged this trust to establish physical relationship with the

informant. However, it was later discovered that the applicant was not actually a divorcee, as he had claimed. To exacerbate the situation, the applicant subsequently reneged on his promise to marry the informant. This refusal to honour his commitment left the informant feeling deceived and betrayed.

4. Mr Shailendra Kantharia, the learned Counsel for the applicant asserts the applicant's innocence and submits that the applicant has been falsely implicated in this case. The learned Counsel contends that alleged offence is not substantiated, as the applicant's profile on Shaadi.com clearly indicated his marital status as 'divorce is in process' at the time of enrolment and subsequent updates. The informant was fully aware of this status. Additionally, the learned Counsel claims that the informant has been engaging in harassment and blackmail against the applicant including sending defamatory emails to the applicant's employees, tarnishing his reputation. Mr Kantharia also emphasises that the applicant and the informant are of legal age and were involved in a consensual relationship.

5. Ms Supriya Kak, the learned APP for the respondent/State and Mr Siddharth Jagushte, the learned Advocate for the respondent No.2, jointly submit that the applicant's actions were not only deceitful but also caused significant emotional distress to the informant. The case revolves around the false representations made by the applicant and the subsequent breach of trust. The chat messages exchanged between the applicant and the informant clearly indicate that the applicant took disadvantage by falsely promising marriage, thereby compelling her to establish a physical relation. Despite knowing that he was not divorced, the applicant registered himself on Shaadi.com as a divorcee. He then falsely promised marriage to the informant, using this deception to sexually exploit her. This deliberate misrepresentation and exploitation highlights the applicant's manipulative behaviour and the profound impact it had on the informant's wellbeing.

6. Upon perusing the records, it appears that both the applicant and the informant are of legal age and their relationship was consensual. The records indicate that the applicant created a profile on Shaadi.com, listing his marital

status as awaiting divorce. Therefore, at this stage, it cannot be conclusively stated that the informant consented to the relationship based on the applicant's alleged as a divorcee. Moreover, there is nothing on record even to suggest that the applicant claimed to be a divorcee on Shaadi.com. Additionally, the records show that the informant continued the relationship even after learning that the applicant was not divorced. That apart, there is nothing to be recovered or discovered from the applicant, and the investigation is almost complete. In these circumstances, this Court is inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

- (i) In the event of the applicant's arrest in CR No.1239 of 2024, registered at Kasarvadavali Police Station, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more 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 tamper
with the evidence or influence the
witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]