

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2500 OF 2024

Ruturaj Mohanrav Jadhav ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Sanjeev Kadam i/b. Mr. Manish Mazgaonkar for Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Kishore Patil, Police Hawaldar, Panhala Police Station, Kolhapur.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 19, 2024

P.C. :

. Heard Mr. Kadam, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent-State.

2. Considering the nature of allegations made by the first informant leading to registration of the FIR and in the light of *WhatsApp* chats allegedly exchanged between the applicant and the first informant, it would be appropriate that the first informant is made as party respondent in the present application.

3. Accordingly, leave is granted to the applicant to add the first informant as respondent No.2 by appropriately concealing her identity. The amendment shall be carried out forthwith.

4. Issue notice to the respondent No.2, returnable on 16.10.2024.

5. Respondent No.2 shall be served through the investigating officer and for that purpose, the applicant shall provide an additional set of papers to the investigating officer, within a week from today.

6. At this stage, the learned counsel for the applicant is pressing for interim relief. He has relied upon the contents of alleged *WhatsApp* chats exchanged between the applicant and the first informant as also other material on record, to contend that it was a consensual relationship between the applicant and the first informant. It is further asserted that the present case can be said to be a case of promise of marriage that could not be fulfilled due to circumstances and not a case of false promise of marriage to physically exploit the victim. It is submitted that the applicant has always been ready to surrender his mobile phone and to co-operate with the investigation.

7. The learned APP has opposed the prayer for interim relief on the ground that the allegations are extremely serious, including the allegation that the applicant was threatening the first informant (victim) to circulate her objectionable photographs.

8. This Court is of the opinion that since the applicant is ready to surrender his mobile phone and it does not appear that till date, he has circulated any photographs of the informant, coupled with the impression gathered on the basis of contents of the alleged *WhatsApp* chats, a case for granting interim relief is made out. *Prima facie*, it does appear that the applicant and the informant were in a consensual relationship and although an attempt was made by the applicant to get married to the first informant, due to the opposition from his family members, the promise of marriage could not be fulfilled.

9. In the light of the above, there shall be interim order in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0153 of 2024 dated 29.07.2024 registered with Panhala Police Station, District - Kolhapur,

he shall be released on bail on furnishing PR Bond of Rs.50,000/- with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 23.09.2024 and thereafter as and when called;
- C. The applicant shall co-operate with the investigation, including presenting himself for medical examination, if required and he shall surrender his mobile phone to the investigating officer;
- D. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.

11. List for further consideration on 16.10.2024, to be included in the supplementary list.

(MANISH PITALE, J.)

Minal Parab