

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

**Anticipatory Bail Application No. 2684 of 2024**

Prashant Sunil Dubey  
Adult, Indian Inhabitant,  
Aged about 24 years,  
Permanent resident of 904, B Wing,  
Ramchandra Residency, Khardi  
Village, Diva (E), Mumbra. Thane.

... Applicant

Versus

1. The State of Maharashtra  
through Inspector In-charge,  
Mumbra Police Station, to be  
served through Public Prosecutor  
High Court (A.S.), Mumbai.

2. XYZ

Aged 27 years,  
To be served through respondent No.1.

... Respondents

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Mr Priyatosh Tiwari i/b. Mr Ashok Saraogi, for the applicant.  
Mr MG Patil, APP, for respondent No.1/ State.  
Mr Omneel Jadhav, for respondent No.2 (Appointed Legal Aid  
Advocate).

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**Coram: R.N. Laddha, J.  
Date: 28 November 2024**

**P.C.:**

Heard Mr Priyatosh Tiwari, the learned Counsel for the  
applicant; Mr MG Patil, the learned Additional Public

Prosecutor representing respondent No.1/State, and Mr Omneel Jadhav, the learned Counsel appearing on behalf of respondent No.2/first informant.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.1809 of 2024, registered at Mumbra Police Station, Thane, for the offence punishable under Section 69 of Bharatiya Nyaya Sanhita, 2023.

3. According to the FIR, the first informant and the applicant initially met in September 2021, and their acquaintance soon blossomed into a deeper connection. However, the dynamics of their bond took a troubling turn when the applicant allegedly exploited the informant's trust by persuading her into intimate relations under the pretext of a false promise of marriage. Despite initial assurances, the applicant later reneged on his commitment to marry her, creating emotional turmoil. Following this, he reportedly began distancing himself from the informant, avoiding communication and further interaction. Feeling betrayed and coerced the informant eventually filed the FIR, accusing the applicant of deception, manipulation and emotional exploitation.

4. The learned Counsel appearing on behalf of the applicant,

submits that both the applicant and the informant/victim are consenting adults who voluntarily entered into a mutual relationship. It is submitted that their interactions and the nature of their association were entirely consensual, with no evidence of coercion or undue influence. The learned Counsel further submits that the investigation in the matter has been concluded, and there is nothing left to be recovered or discovered from the applicant. The applicant is ready to undergo medical examination and willing to comply with the conditions imposed by this Court.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, and the learned Counsel for respondent No.2, jointly contend that the offence is of a serious and grave nature. They argue that the applicant is accused of entering into a physical relationship with the informant by falsely promising marriage, which amounts to a serious breach of trust and exploitation. Such actions, they emphasise, carry serious implications and warrant strict scrutiny under the law. The learned APP, however, concedes that the investigation in the case is substantially complete, except the medical examination of the applicant, and nothing is to be recovered from the applicant.

6. Upon perusing the records, it is evident that the applicant and the informant are of legal age and were involved in a consensual relationship. The relationship lasted from September 2021 to April 2024. The learned APP acknowledges that the investigation is at an advance stage and nothing is to be recovered or discovered from the applicant, except for his medical examination, which he is ready to undergo. To address concerns regarding tampering with evidence or witness influence appropriate conditions can be imposed.

7. In light of the above, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

### **ORDER**

(i) In the event of the applicant's arrest in connection with CR No.1809 of 2024, registered at Mumbra 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 to undergo his medical examination as directed by the

investigating officer, and cooperate with the investigation.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

**[R.N. Laddha, J.]**