

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

Anticipatory Bail Application No. 2813 of 2024

Aashish Ashok Bhoite

Age 31 years, Occ. Service,

R/o. 6/7, Saikrupa Housing Soc.,

Samta Nagar, Kandivali (E),

Mumbai.

... Applicant

Versus

1. The State of Maharashtra

(Through Charkop Police Station)

2. Victim / Complainant

(To be served through Charkop

Police Station, Mumbai)

... Respondents

Mr Vaibhav Bagade a/w Mr Santosh Pawar i/b Mr Amar Kothari, for the applicant.

Mr M G Patil, APP, for respondent No.1 / State.

Mr Vikas Tiwari a/w Mr Rohit Gupta i/b Mr Salman Khan, for respondent No.2.

PSI Sunil Sonawane (Pairavi), Charkop Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 10 December 2024.

P.C.:

This is an application for pre-arrest bail filed by the applicant apprehending arrest in connection with CR No.533

of 2024, registered at Charkop Police Station, Mumbai, for offences punishable under Sections 376, 376(2)(n) and 406 of the Indian Penal Code.

2. As per the FIR lodged by the informant/victim, she came into contact with the applicant in 2015 through Facebook, and they became friends. Overtime, their friendship deepened, and in 2019, during the applicant's visit to India from Dubai, he proposed a relationship. 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 assurances, the applicant later reneged on his commitment to marry her. Feeling deceived, she filed the present FIR alleging that the applicant misled her under the pretext of marriage. The informant further alleges that the applicant borrowed Rs.1,50,000/- from her which he has not yet returned.

3. Mr Vaibhav Bagade, the learned Counsel appearing on behalf of the applicant, submits that both the applicant and the informant are consenting adults and voluntarily entered into a mutual relationship. The learned Counsel submits that the interactions and the nature of association of the applicant and the victim were entirely consensual with no element of coercion

or undue influence. Drawing the attention of this Court to the WhatsApp chats, the learned Counsel contends that the applicant and the victim mutually decided to break-up their relations. He further submits that the investigation in the matter has been concluded and nothing is to be recovered or discovered from the applicant. The applicant is ready to undergo medical examination, surrender his passport, deposit the alleged amount of Rs.1,50,000/- to show his *bonafides*, as well as comply with the conditions imposed by this Court.

4. On the other hand, Mr MG Patil, the learned Additional Public Prosecutor representing respondent No.1/State, along with Mr Vikas Tiwari, the learned Counsel representing respondent No.2, contend that the offence is of a serious and grave nature. The applicant entered into a physical relationship with the informant by falsely promising marriage, which amounts to a serious breach of trust and exploitation. Such actions 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 for the medical examination of the applicant, and nothing is to be recovered from the applicant.

5. This Court has given anxious consideration to the rival

submissions canvassed across the Bar.

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 February 2020 to October 2023. However, the FIR was lodged in September 2024. There is a substantial delay in lodging the FIR. Moreover, the learned APP acknowledges that the investigation is at an advanced stage, and nothing is to be recovered 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. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.533 of 2024, registered at Charkop Police Station, Mumbai, 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, surrender his passport, and cooperate with the investigation.

(iii) The applicant shall deposit Rs.1,50,000/- as undertaken within a period of one week from the date of this Order.

(iv) 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.)