

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2869 OF 2024

Prem Shankar Gaddi ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Abhishek Salian a/w. Mr. Mayuresh Ingale and Mr. Aditya Hegde for Applicant.

Ms. R. V. Newton, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 23, 2024

P.C. :

. Heard Mr. Salian, learned counsel for the applicant and Ms. Newton, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0162 of 2024 dated 08.06.2024 registered with Shirgaon-Parandwadi Police Station, District - Pimpri Chinchwad, for offences under Sections 323, 354-A, 376, 376(2)(n) and 377 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is a 26 year old woman, who claims that she got in touch with the applicant through a mobile *app* called *Bumble* and thereafter, the two kept in touch with each other on the said *app* as well as on the *Instagram*. The first occasion on which the informant got in touch with the applicant was on 09.05.2024. It is claimed that immediately thereafter, on 01.06.2024, the applicant reached Pune where the informant was in a residential flat along with her friends. It is alleged that in the said flat, on three dates consecutively i.e. 01.06.2024, 02.06.2024 and 03.06.2024, the applicant had forcible sexual intercourse with the informant on the false promise of marriage.

4. Subsequently, the informant approached the police and caused registration of the FIR on 08.06.2024. The learned counsel for the applicant submits that a bare perusal of the statement leading to registration of the FIR would itself demonstrate the false nature of claims made by the informant. It is submitted that in the present case, the informant reached out to the applicant through the mobile *app*, which can be triggered only by women for getting in touch with individuals. It is further submitted that the actions of the informant were, from the inception, with the intention of blackmailing the applicant and it is alleged that the applicant was not even aware about registration of the FIR when the informant reached out to him demanding money and threatening him with consequences. It is submitted that the applicant is ready to co-operate with the investigation, and therefore, this Court may consider granting relief in the present application.

5. The learned APP, on the other hand, submits that the ingredients of the offences registered against the applicant are made out from the statement, which led to registration of the FIR. As the investigation is still underway, this Court may not show indulgence to the applicant.

6. This Court has perused the material on record in the light of the rival submissions. A bare perusal of the statement leading to registration of the FIR shows that while the informant herself had given the background in which she and the applicant got in touch with each other, she has also given chronology of events of the month of June 2024, wherein she suffered sexual assault allegedly at the hands of the applicant.

7. According to the informant, the first instance of such sexual assault occurred on 01.06.2024, when the applicant joined the company of the informant at Pune where she had arranged for a meeting in a residential flat. It is alleged that other friends of the informant were also

in the said flat when the applicant and the informant got in touch with each other. The allegation pertaining to 01.06.2024 is that, when the applicant and the informant were together in one of the bed rooms of the said flat, the applicant allegedly did two things i.e. he gave false promise of marriage and at the same time, forcibly had sexual intercourse with the informant. Thereafter, it is alleged that such forcible sexual assaults continued on 02.06.2024 and 03.06.2024. It is alleged that on these occasions also, the applicant continued to give false promises of marriage. There is nothing to indicate that the informant was alone with the applicant or that she was trapped in the residential flat with no escape, due to which she had to suffer repeated sexual assaults even on 02.06.2024 and 03.06.2024. It is the case of the informant herself that her own friends had joined her company in the said residential flat.

8. It is to be noted that natural course of human conduct would expect the victim like the informant to raise hue and cry on 01.06.2024 itself when the first incident of forcible sexual intercourse occurred. If not, on the next date at least i.e. 02.06.2024, the informant could have taken necessary steps in the matter. Instead, surprisingly, the informant continued to suffer such harassment till 03.06.2024 and she caused the FIR to be registered five days thereafter i.e. on 08.06.2024.

9. The sequence of events, as stated by the informant, *prima facie*, appears to be incredulous. Apart from this, the *WhatsApp* chats placed on record by the applicant *prima facie* demonstrate, not only that the informant reached out to the applicant, but she continued to interact with him in a cordial manner after the alleged forcible sexual assault on 01.06.2024. These factors clearly indicate a strong *prima facie* case in favour of the applicant, and therefore, the present application deserves to be allowed. Accordingly, it is allowed in the following terms:-

A. In the event the applicant is arrested in connection with FIR

No.0162 of 2024 dated 08.06.2024 registered with Shirgaon-Parandwadi Police Station, District - Pimpri Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer on 27.10.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. 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 would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab