

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

Anticipatory Bail Application No. 826 of 2023

Manish Surinder Mohan Singh Gandhi

Age 46 years, Occ. Businessman,

R/at. 2001, A Wing, Windsor Grande,

Residences, Andheri (West),

Mumbai – 400 053.

...Applicant

Vs.

The State of Maharashtra

At the instance of Amboli Police Station

C.R. No.140, Having its location at Patel

Estate Road, Opposite Pushtikar Society,

Jogeshwari (West).

...Respondent

With

Interim Application No.1492 of 2024

in

Anticipatory Bail Application No. 826 of 2023

Matylda Agata Bajer

.... Applicant.

In the matter between :

Manish Surinder Mohan Singh Gandhi

..... Applicant.

Vs.

The State of Maharashtra

..... Respondent.

Mr Aabad Ponda, Senior Advocate a/w. Mr. Sumit Tiwari a/w. Mr.

Aditya Raut i/b. Desai Desai Carimjee & Mulla, for the Applicant.

Mr Yogesh Y. Dabake, APP for the Respondent – State.

Mr Krishna Sarkate, for the Intervenor.

PI Yadav, Amboli Police Station, Mumbai is present.

Coram: R. N. Laddha, J.

Date: 16 August 2024

P.C.

Interim Application No.1492 of 2024 -Not on board. Taken on

board.

2. By present application, the applicant seeks pre-arrest bail in connection with CR No.140 of 2023, registered at Amboli Police Station, Mumbai, for the offence punishable under Section 376(2)(n), 354-A, 354-C, 506 and 509 of the Indian Penal Code and Sections 67 and 67-A of the Information and Technology Act, 2000.

3. The prosecution contends that between November 2016 and January 2022, the victim worked for the applicant's company. Against the victim's wishes, the applicant created a video clip using the victim's name and sent it to her via WhatsApp. Additionally, there are allegations that the applicant engaged in physical relations with the victim, which were video recorded, and subsequently threatened to make the footage and photographs public.

4. Mr Aabad Ponda, the learned Senior Counsel representing the applicant, contends that both the applicant and the victim are of legal age and were engaged in a consensual relationship. This assertion is supported by various WhatsApp messages and other posts sent by the victim to the applicant. Additionally, the learned Senior Counsel highlights a significant delay in lodging the FIR. The applicant has actively cooperated with the police investigation, having attended the police station.

5. Mr Yogesh Dabake, the learned Additional Public Prosecutor, representing the respondent/State, informs the Court that the

investigation is complete. The prosecution intends to file the charge sheet within a week from today. The recovered mobile phone has been sent to the Forensic Science Laboratory for examination. Mr Krishna Sarkate, the learned Counsel for the intervenor/first informant, however, expresses his inability to argue the matter for want of instructions from the informant.

6. Upon reviewing the records, it appears that both the applicant and the victim are of legal age and had a consensual relationship. The mobile phone allegedly used in the crime has already been recovered. The investigation is complete, and nothing further needs to be recovered from the applicant. Since 17 March 2023, the applicant has cooperated with the investigation, regularly attending the police station while under interim protection. To address the prosecution's concerns regarding evidence tampering and witness influence, appropriate conditions can be imposed. Thus, the order of interim bail deserves to be made absolute. Hence, the following order.

ORDER

The order of interim bail dated 17 March 2023, is made absolute on the terms and conditions incorporated therein.

7. It is clarified that the observations made hereinabove are confined to determine entitlement to pre-arrest bail only.

8. The application along with the interim application stand disposed of.

[R. N. Laddha, J.]