

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.122 OF 2024

Shravan Ashok Chougule	...Applicant
Versus	
State Of Maharashtra And Anr	...Respondents

Ms. Neha M Patil, Advocate for the Applicants.

Mr. Anand S. Shalgaonkar, APP for the State.

Mr. Rupesh Bobde a/w. Ms. Shraddha Nakadi, Advocate for Respondent No.2.

Prashant Jadhav, API Kalva Police Station Thane City present.

CORAM : RAJESH S. PATIL, J.

DATED : 4 MARCH 2025

P.C.:

1. The present Application has been filed by the husband of the Informant. An F.I.R. has been lodged by the wife (Informant) for the offences punishable under Sections 498-A, 323, 500, 504, 506 of the Indian Penal Code, 1860.

2. By an order dated 17 January 2024, notices were issued to the Informant in view of the matter being a matrimonial dispute. The statement made on behalf of the Applicant (husband) expressing his willingness for an interim settlement was recorded. Protection was

granted to the Applicant by this Court, and he was directed to cooperate with the investigation in the meantime.

3. Thereafter, the matter was referred to mediation; however, the mediation report was submitted as unsuccessful.

4. When the matter came before this Court on 20 January 2025, considering that it was a matrimonial dispute and that the marriage had taken place on 13 May 2022, by the consent of counsel for both parties, the matter was scheduled to be taken up by this Court in chambers on 29 January 2025 at 5:30 p.m., to explore the possibility of settlement if the parties were agreeable. The parties were permitted to remain present along with their parents if they so desired.

5. Accordingly, the parties, along with their respective Advocates, attended my chamber on 29 January 2025. Unfortunately, the matrimonial dispute between the parties could not be settled, and the matter was referred back to the Court for arguments on merit.

6. On 11 February 2025, when the matter came before this Court. The matter was argued by the parties. The submissions of the learned Advocate for the Applicant (husband) was recorded that the Applicant (husband) will attend the concerned police station and will cooperate with the police, in order to assist the police in getting details from the mobile phone of the Applicant (husband) by handing over the **password**

of the said mobile phone. It was also further recorded that if any other information is required by the police, even that information will be provided by the Applicant (husband), pertaining to the different “**Social Media APPs**” including that “**Tinder APP**”, “**Instagram APP**” and any other social media apps.

7. Thereafter the matter appeared on 20 February 2025 when on behalf of the Applicant a new Advocate was appointed who sought a short accommodation. Accordingly, the matter was adjourned today.

8. Today, when the matter was called out, the learned APP submitted that despite a specific direction given to the Applicant (husband) to hand over the password of his mobile phone, he has chosen not to provide the same.

9. However, in the statement recorded of the Applicant on 12 February 2025 he has submitted that he does not remember the password and that if the police wish to retrieve it, they may do so through a cyber expert who can crack the password.

10. Furthermore, the Applicant stated that during the period when he and the Informant lived together, he had shared the password of his Telegram account with his wife. He also expressed his lack of knowledge regarding how his mobile number was added to the Tinder group. Additionally, he stated that he was unaware of how his mother-in-law's mobile number was added to the said group.

11. The learned APP also presented photocopies of certain messages from the Tinder group, which were posted using the mobile number of the Applicant's mother-in-law. Furthermore, the Instagram ID of the Informant (wife) was also posted from the Applicant's mobile.

12. The Anticipatory Bail Application filed by the present Applicant before the Sessions Court has been rejected on 9 January 2024, and the Anticipatory Bail Application filed by the parents of the present Applicant were granted. In the said order passed by the Sessions Court the conduct of the Applicant was noted down in paragraph No.8 of the said order. For ease of reference, the paragraph No.8 of the said order is reproduced hereinbelow :-

“8) Perused recitals in report. It reveals from record and additional report submitted by police vide Exh.7, impugned number has been placed on a Tinder APP. Was in use of mother of informant. It is to note that impugned App. Is meant for open sex and invitation to sex. Applicant No.1 is Engineer by profession. Obviously, he knows importance of technology and password meant for any instrument. On perusal of different chats on Tinder Group, it was locked by applicant, thereafter, people have started offer for sex on whatsapp group, one may not imagine level of humiliation to the informant. In routine, no custodial interrogation be awarded for offence u/s. 498-A of Indian Penal Code. However, this being unique case, wherein applicant has used technology for mental torture and humiliation to informant.”

13. By its order dated 11 February 2025, this Court directed the Applicant to attend the concerned police station and hand over the password of his mobile phone. While the order was passed in open Court, the Advocate for the Applicant was present in Court. At that

time, no argument was made stating that the Applicant did not remember the password of his mobile phone.

14. It is also pertinent to note that since the filing of the present Anticipatory Bail Application on 11 January 2024, the Applicant has changed three lawyers till date. The conduct of the Applicant indicates that he is not willing to cooperate with the police.

15. The contents of the F.I.R. and the fact that the Applicant is admittedly an IT professional are significant. During one of the hearings before this Court, while the Court was attempting to resolve the issues, the Applicant mentioned that he earns a net salary of ₹35,000/- per month. However, on the next date of the hearing, he stated that his salary is not ₹35,000/- but approximately ₹1,00,000/- per month.

16. Taking into consideration the conduct of the Applicant, which, in my view is serious, his physical presence for interrogation is necessary for the completion of the investigation. There is a strong possibility that the Applicant may pressurize or threaten the Informant and witnesses and may also tamper with evidence.

17. Therefore, **the present Anticipatory Bail Application is rejected.**

(RAJESH S. PATIL, J.)