

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.148 OF 2024**

Vishal Hasmukh Gandhi

Age-44 years, Occ- Business

An Adult, Indian Inhabitants

Having address at Flat No.D/7d,

Rivali Park, Borivali East,

Mumbai, Maharashtra 400066

... Applicant

Versus

1. The State of Maharashtra

(at the instance of Malvani

Police Station, Mumbai)

2. XYZ

... Respondents

**WITH
INTERIM APPLICATION NO.1397 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.148 OF 2024**

XYZ

... Intervenor.

IN THE MATTER BETWEEN:

Vishal Hasmukh Gandhi

Age 44 years, Occ:Business

R/o Flat No.D/7 d, Rivali Park

Borivali East Mumbai

Maharashtra 400 066

... Applicant.

Vs

The State of Maharashtra
(through Malwani Police Station
FIR No.1615 of 2023)

... Respondent.

Mr Vaibhav Bagade, along with Aman Kothari, for the applicant.

Mr Arfan Sait, APP, for respondent No.1/ State.

Ms Keral Mehta, for respondent No.2 (through Legal Aid).

PSI SS Ghag, Pairavi Adhikari, Malwani Police Station, present.

Coram: R.N. Laddha, J.

Date: 9 June 2025

P.C.:

Heard Mr Vaibhav Bagade, the learned Counsel appearing on behalf of the applicant, Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, and Ms Keral Mehta, the learned Counsel appointed for respondent No.2.

2. The applicant apprehends arrest in connection with CR No.1615 of 2023, registered at Malvani Police Station, Mumbai, for offences punishable under Sections 376(2)(n), 420, 506, and 323 of the Indian Penal Code ('IPC'), and has approached this Court seeking pre-arrest bail.

3. The prosecution alleges that from August 2017 to September 2023, the applicant, under the guise of a legitimate romantic relationship and the promise of marriage, manipulated the victim to part with her ornaments worth Rs.17,50,000/- and engaged in unwarranted physical relations with her.

4. Mr Vaibhav Bagade, the learned Counsel appearing on behalf of the applicant, argues that the informant exploited the applicant's strained relationship with his wife to enter into a consensual relationship while concealing pertinent family details. He emphasises that the applicant has repeatedly provided financial support to the informant, transferring around Rs.21 lakhs to the bank accounts held by both the informant and her children. The learned Counsel asserts that the applicant has been falsely implicated in the crime with the sole motive to extort money. He points out that the applicant has no criminal antecedents. Since 18 January 2024, the applicant has been under interim protection and has fully cooperated with the investigation, which is now complete, and a charge sheet has been filed. Mr Bagade further submits that the applicant is willing to abide by any conditions imposed by this Court if he is released on bail.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, and Ms Keral Mehta, the learned Counsel appearing for respondent No.2, jointly oppose the applicant's plea and submit that the allegations are of a serious nature. However, the learned APP concedes that the investigation has been concluded and the charge sheet was filed on 5 October 2024. He expresses concern that, if released on bail at this stage, there is a possibility that the applicant may tamper with the evidence and influence the witnesses.

6. This Court has given careful consideration to the submissions canvassed across the Bar and perused the records.

7. From a bare reading of the complaint, it appears that the informant discovered the applicant's alleged deceit in September 2023; however, the present crime was lodged only in December 2023. The complaint, as it stands, does not offer any reasonable or satisfactory explanation for such an extended delay in reporting the alleged offence. Furthermore, the learned APP has fairly submitted that the investigation is complete, and a charge sheet has been filed. Nothing remains to be recovered or discovered from the applicant. Moreover, the applicant has been under interim protection since 18 January 2024, and the applicant has attended the concerned Police Station as directed

by this Court and complied with the conditions imposed by this Court. Given the above, the interim relief granted on 18 January 2024 is made absolute. The applicant shall not tamper with the evidence or influence the witnesses, and shall cooperate with trial Court for the expeditious disposal of the case.

8. The application stands disposed of accordingly.
9. As a sequel, the interim application also stands disposed of.

[R.N. Laddha, J.]