

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

Anticipatory Bail Application No.3189 of 2024

Mr Anuj Vishnu Rawat,
Age: 40 years, Occu: Private Job,
Residing At: 47, Barkat Nagar,
TonkPhatak, Near Modern School,
Lalkothi, Jaipur,
Rajasthan - 302015

... Applicant

versus

1. The State of Maharashtra
Through Kapurbawdi Police Station,
Thane City

2 XYZ

Through Kapurbawdi Police
Station, Thane City

... Respondents

Mr Murtaza Nazmi, i/b. Mr Sumitkumar Nimbalkar, for the
applicant.

Mr Arfan Sait, APP, for the respondent/ State.

Mr Karan Jain, for respondent No.2/intervenor.

API Mahesh Masurkar, Kapurbawdi Police Station, Thane City,
is present.

Coram: R.N. Laddha, J.

Date: 13 August 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in

connection with CR No.862 of 2024, registered at Kapurbawdi Police Station, Thane City, for offences punishable under Sections 376, 456, 509, 504, and 506 of the Indian Penal Code.

2. It is the case of the prosecution that from 2019 to December 2023, the applicant engaged in physical relations with the informant, under the false promise of divorcing his wife and marrying the informant. Subsequently, the applicant reneged on his commitment, trespassed into the informant's house, verbally abused and threatened the informant.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that both the applicant and the informant are consenting adults who were engaged in a mutual and consensual relationship, and both parties are married. The alleged incidents occurred between 2019 and December 2023; however, the alleged crime was registered only on 22 October 2024. The significant delay in lodging the FIR raises questions regarding the credibility of the allegations. The learned Counsel further submits that the applicant is ready and willing to comply with any conditions imposed by this Court, including undergoing a medical examination and surrendering his laptop and mobile phone.

4. The learned Additional Public Prosecutor representing respondent No.1/ State and the learned Counsel appearing for respondent No.2/ informant, jointly oppose the applicant's request for pre-arrest bail and contend that the offence is of a serious nature. They assert that the applicant misled the victim by making a false promise of marriage, thereby deceiving her and engaging in forcible sexual relations. The learned APP, however, acknowledges that the investigation has concluded except for the medical examination of the applicant and the recovery of his laptop and mobile phone.

5. Upon perusing the records, it transpires that both the applicant and the victim/respondent No.2 are adults who have attained the age of majority under law. The material on record further shows that the two individuals were married and were engaged in a consensual relationship. This relationship is shown to have commenced in the year 2019 and continued until December 2023. However, the present FIR was lodged only in October 2024, thereby indicating a considerable delay between the cessation of the relationship and the initiation of criminal proceedings. The learned APP has fairly conceded that, except for the applicant's medical examination and the seizure of his laptop and mobile phone, the investigation is substantially complete. The applicant has expressed his willingness to

surrender the said electronic devices and to cooperate with the investigation, including voluntarily submitting himself to the required medical examination. To address concerns regarding tampering with the evidence or witness influence, appropriate conditions can be imposed. In these circumstances, the present application is allowed on the following terms:

ORDER

- (i) In the event of the applicant's arrest in CR No.862 of 2024, registered at Kapurbawdi Police Station, Thane City, 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 on 18, 19 and 20 August 2025 between 11:00 a.m. and 2:00 p.m., to surrender his laptop and mobile phone and undergo medical examination, and thereafter, as and when required by the investigating officer.
- (iii) The applicant, either himself or through any other person, shall not indulge in any activities that may lead to evidence tampering or witness influence.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]