

Ajay

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

ANTICIPATORY BAIL APPLICATION NO. 193 OF 2025

Rajeev Ranjit Singh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Vinod Y. Mishra a/w. Mr. Ramawatar Meena, Advocates for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent – State.
 - Ms. Amita Amit Marathe, API – Goregaon Police Station present.
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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 22, 2025

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent – State.

2. Applicant has filed the present Anticipatory Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “**BNSS**”) in connection with C.R. No.850 of 2024 for offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”) registered with Goregaon Police Station.

3. Briefly stated case of the prosecution as can be gathered from perusal of the statement of prosecutrix recorded by prosecution is that in the year 2019, prosecutrix got acquainted with the Applicant as they hail from same district in the State of Bihar and thereafter they

developed friendship which subsequently blossomed into a romantic relationship. Prosecutrix has stated that in 2020, she shifted to Delhi and Applicant too shifted to Delhi and they met each other in Delhi, after which Applicant returned to his native place. It is stated by the prosecutrix that thereafter owing to the outbreak of COVID-19 pandemic, she communicated with the Applicant on phone and did not meet him. Next, she has stated that in 2021 Applicant shifted to Mumbai, which was informed to her by Applicant through phone and hence during the period from March 2020 to July 2024 they could not meet each other and contacted each other via phone only.

4. Thereafter prosecutrix has stated that in the month of July 2024 Applicant asked her to come to Mumbai to meet her and accordingly on 14.08.2024 she came to Mumbai from Delhi to meet Applicant and they both stayed at Hotel Belmond Prime, Goregaon. It is the prosecution case that during their stay, Applicant promised the prosecutrix that he would marry her and forcefully established physical relationship with her. Thereafter on 18.08.2024, prosecutrix returned to Delhi. It is her case that after she returned to Delhi and asked the Applicant about marriage, he gave her evasive replies and hence on 27.09.2024 prosecutrix came to Mumbai and called Applicant and told him that if he does not marry her then she would be compelled to file police complaint against him. Thereafter she has alleged that father of Applicant intervened in the situation and promised her that Applicant

would marry her and hence she returned to Delhi. On 09.10.2024, prosecutrix went to her native place and on 16.10.2024 a panchayat meeting was held to resolve the issues between Applicant and prosecutrix, wherein Applicant's family refused the marriage of prosecutrix with him and hence on 21.11.2024 she registered the present crime against Applicant.

5. Mr. Mishra, learned Advocate for Applicant would submit that the Applicant and prosecutrix were in a consensual relationship with each other since 2019 and hence Applicant is falsely implicated in the present case on concocted allegation made at the behest of prosecutrix. He would submit that Applicant is a young boy aged 24 years and is presently completing his education. He would submit that there are no criminal antecedents to Applicant's discredit and custodial interrogation of Applicant is not necessary considering the peculiar facts of the present case as *prima facie* no offence under Section 69 of BNS is made out against the Applicant. Hence, he would urge the Court to allow present Anticipatory Bail Application on any terms and conditions as deemed fit by the Court.

6. *PER CONTRA*, Mr. Dedhia, learned APP has at the outset placed on record the statement of the prosecutrix recorded before the Magistrate under Section 183 of the BNSS. The same is taken on record. He would submit that considering that the offence is a serious

offence under Section 69 of the BNS, custodial interrogation of Applicant would be necessary and hence the Application may be rejected.

7. I have perused and juxtaposed the statement of the prosecutrix recorded before the police and the Magistrate and there is distinct contradiction in both these statements. In her statement recorded before the police, prosecutrix has stated that in August 2024 she came alone to Mumbai however in her Section 183 statement she has stated that as she came to Mumbai along with another couple i.e. her brother and bhabhi. That apart, it is admitted that when Applicant and prosecutrix were in Delhi in 2020, they met each other. It is settled law that to constitute an offence of false promise to marry the promise has to be from the inception. It seen that Applicant and prosecutrix were in a consensual romantic relationship since 2019 and only when the relationship between them turned sour and Applicant refused to marry her, prosecutrix has lodged the present crime. It is pertinent to note that there is a difference between giving a false promise and committing a breach of promise by the Accused. In the medical history recorded by the prosecutrix she has categorically admitted that she was in a relationship with Applicant since 2019. *Prima facie*, no offence as sought to be levelled against the Applicant is made out against him.

8. In view of my above *prima facie* observations and findings,

Anticipatory Bail Application No.193 of 2025 stands allowed on the following terms:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer of the concerned Police Station on first Monday of every month for two months and thereafter as and when called for by the Investigating Officer;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within two days from today;
- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence;
- (v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case;
- (vi) Applicant shall not make any attempts to re-associate with the victim girl in any manner either through any device or in-person; and

(vii) Any infraction of the conditions shall entail revocation
of this order.

9. Anticipatory Bail Application is disposed in the above terms.

[MILIND N. JADHAV, J.]

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