

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 203 OF 2025

Amit Kumar Gupta .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Samarth Shrikant Karmarkar a/w Priti R., Dimple Gupta and Shankar Parulekar i/by Mr. Ashok Rajput for Applicant
 - Ms. Megha S. Bajoria, APP for State
 - Mr. Biru L. Jog, PSI, Goregaon Police Station, Mumbai

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 22, 2025

P. C.:

1. Heard Mr. Karmarkar, learned Advocate for Applicant and Ms. Bajoria, learned APP for State.
2. Applicant - accused has filed the present Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") in connection with Crime No. 903/2024 registered with Goregaon Police Station, Mumbai under Sections 74, 79 & 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**").
3. Date of the incident is 15.12.2024 whereas date of filing of the FIR is 20.12.2024. Reading of the FIR clearly shows that since 2021, complainant had a professional relationship with the Applicant.

Applicant is the owner of a photo studio who is undertaking portfolio works for aspiring models etc. According to the complainant herself, she was introduced to him sometime in December 2021 and thereafter she had been intermittently visiting the photo studio of the Applicant. *Prima facie* reading of the FIR gives an impression that the date stated as December 2021 is a misprint or typographical error and it ought to be December 2024 but Mr. Karmarkar would submit that the said date is correct and the mother of the complainant is a fashion designer and she had been accompanying the complainant all through out for the photo shoots in the studio of the Applicant for various brands. Admittedly on the date of the incident, victim is major. Applicant is alleged to have embraced the complainant from behind and gave her a hug in front of her younger sister. What is intriguing is the fact that after the date of the incident, complainant has stated that she visited the same photo studio for collecting her belongings but she has not given any details whatsoever as to what transpired on that date. FIR is lodged three days thereafter. The aforesaid delay of 5 days in lodging the FIR leaves a doubt. Needless to state that Applicant shall cooperate with the investigation. Custodial interrogation of the Applicant is not required in my opinion. In that view of the matter, present Application is allowed in terms of prayer clause (a).

Applicant is granted pre-arrest bail on the following terms and conditions:-

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iii) Applicant shall attend the Police Station on alternate Sundays between 10.00 a. m. and 01:00 p.m. and co-operate with the investigation until the charge-sheet is filed. Applicant shall make all appropriate disclosures before the Investigating Officer;
- (iv) Applicant shall keep informing his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

4. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

5. Application is allowed in the aforesaid terms and is accordingly disposed of.

[MILIND N. JADHAV, J.]

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