

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 549 OF 2025

Kumar Harumal Hiranandani & Anr. Applicants

VERSUS

State of Maharashtra Respondent

Ms. Shukla S. Senray for the Applicants.

Mr. Nitin B. Patil, A.P.P. for the State.

Mr. Arjun Jeswani for the Respondent No.2.

Mr. S. S. Varak, P.S.I., Vithalwadi Police Station, Thane City present.

CORAM : RAJESH S. PATIL, J.

DATE : 17th MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 0024 of 2025 dated 12th January, 2025 registered with Vitthalwadi Police Station, Thane City for the offences punishable under Sections 64(2)(m), 87, 74, 75, 118(1), 115(2), 308(5), 352, 351(2), 49, 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 66(e), 67 and 67(a) of the Information Technology Act.

2. It is the prosecution's case that the accused no.1 who is the brother of the applicant no.1, had sent a friend request to the

Informant through Facebook account and from thereon developed friendship. Their friendship consequently turned into love relationship and during the said period, the accused no.1 had taken her to lodge and established forceful intercourse which act he captured in video and also by photographs. On the basis of these photographs and video, the accused no.1 started blackmailing the first informant and thereafter with the help of the co-accused, compelled the first informant to get married to the accused no.1.

3. It is further alleged in the FIR that the first informant was taken to Gwalior and there her hair from scalp was shaved. So also, her eyebrows were removed and she was confined in house. She was made to beg as cancer patient. The Aadhar Card, PAN card, bank passbook account of the first informant was taken over by the accused persons. On the basis of such documents, the accused persons have obtained loans from several persons/institutions. The first informant was physically assaulted with hot pan. On the basis of the obscene video and photographs, the accused no.1 compelled the first informant to demand money from her father. She on reaching her parents house, lodged FIR.

4. It is the case of the applicants that the applicants are ready to

co-operate with the police. As the accused no.1 was arrested on 15th January, 2025, the present applicants apprehending their arrest filed pre-arrest bail application before the Sessions Court which was dismissed. Hence, the present anticipatory bail application has been filed.

5. Ms.Shukla further submitted that as the parents of the first informant were not happy with the marriage, they approached the police station. However, in the said police station, the informant showed her willingness to marry the accused no.1 (Sunil Harumal Hiranandani). Since the parents of the first informant strongly objected, the father of the first informant sought return of her mobile phone and the gold ornaments which were given to the first informant. Ms.Shukla further submitted that the present applicant has no role to play as far as the allegations about the removal of scalp hair and eyebrows of the first informant are concerned. The incident had occurred in Gwalior and these applicants were not present at Gwalior. There is no need of custody of the applicants.

6. The learned A.P.P. has opposed this application and submitted that the crime is of serious nature. There is a photocopy of joint affidavit placed on record signed by the accused no.1 and the first

informant in order to hold that their marriage has been solemnized.

7. The learned A.P.P. submits that taking into consideration the crime committed by the present applicants who are part of the family of the accused no.1 and who were the present many a times when the first informant was being harassed or beaten up by the other accused persons. Many photographs of first informant with accused no.1 are clicked from the mobile phone of the applicant no.1. The mobile phone has to be taken into the custody from the applicants. The applicants are not ready to co-operate with the police, hence, the present application needs to be rejected.

8. Mr.Jeswani, the learned counsel for the respondent no.2 supported the arguments of the learned A.P.P. He submitted that the custody of the applicants will be necessary for interrogation.

9. I have heard learned counsel for both the sides and I have gone through the documents on record.

10. It is submitted before me that the applicant no.1 is just 9th passed and works as a salesman in a shop where shoes are sold. There is a strong apprehension that the present applicant would leak obscene photographs of the first informant. The mobile phone of the present applicant was used at Gwalior. The police are in process of

recovering the mobile phone. The police needs to check the contents of the mobile phone as they have strong apprehension that the applicant no.1 has hidden the obscene photographs of the first informant in his mobile instrument.

11. On record, there is a joint affidavit of the co-accused Sunil H.Hiranandani and the informant in which they have declared that they are marrying each other at Trimbakeshwar Temple at Nashik.

12. The police has recorded the statement of the barber. In the said statement, the barber has mentioned that the first informant with her in-laws had been to his shop. The in-laws of the first informant told to the barber that they want to shave off the hair from the scalp of the first informant. Initially, the barber refused to cut the hair since the barber's shop was meant for men. However, on much insistence, the barber agreed to shave hair of the first informant and accordingly he did his job. The barber further submitted that on that day, the first informant looked very nervous.

13. It seems that the first informant has done graduation in Commerce. Whereas the accused no.1 who claims to have married the first informant is just 9th standard pass and is working as a salesman in shoes shop. From the glance at the affidavit at page 82, it

appears to be a written in the said document that the affidavit is a joint affidavit of husband and wife. What is the purpose of executing such kind of an document titled as joint affidavit of husband and wife after the alleged marriage, has not been clarified to this Court.

14. The first informant was obviously to put fear that her obscene photographs would be made viral, due to which she had no option but to perform the customs which the accused persons told her.

15. As regards, the present applicants are concerned, there are specific allegations made in the FIR that they were present at the time when the incident took place. It has been also stated that the first informant's scalp was shaved off. So also, her eyebrows were shaved off and she was made to beg and inform the public at large that she is a cancer patient. The FIR states that apart from the accused nos. 1 and 2, even the present applicants were part of the conspiracy and they used to instigate the accused nos.1 and 2 against the first informant.

16. It seems that the first informant had eloped with the accused no.1. There is nothing on record to suggest as to whether the first informant eloped from the parents' house or at her own will or whether there was any kind of force was used against the first

informant. The marriage ceremony photographs which are shown on record also creates doubt since according to the applicants, the marriage first took place at Trimbakeshwar Temple at Nashik and thereafter on the next date in Gurudwara. The photographs to that effect have produced on record. The authenticity of that photographs will have to be checked by the Investigating Officer. The videos and the photographs which are in the custody of the accused no.1 are still to be investigated. The crime committed against the first informant is of serious nature though the first informant is now back with her parents. Therefore, at this stage, if the applicants are granted pre-arrest bail, it is likely that they will threaten the first informant and the witnesses.

17. It is also stated in the FIR that the accused persons have obtained various loans from different sources by using the PAN card and Aadhar Card of the first informant.

18. On behalf of the applicants, an order dated 20th February, 2025 passed in Anticipatory Bail Application No. 449 of 2025 has been referred. In the said anticipatory bail application, the FIR mentions about the offences punishable under Sections 64(2)(m), 87, 74, 75, 118(1), 115(2), 308(5), 352, 351(2), 49, 3(5) and 61(2) of the

Bharatiya Nyaya Sanhita, 2023. The applicants therein were the sister-in-law of the first informant. The facts in the said FIR that the proceedings are clearly different than the present proceedings. The more important fact in that proceeding was that both the applicants were married sister-in-law of the victim. Hence, the order passed in the said matter will not be applicable to the present proceedings.

19. Hence, I find no merit in the present anticipatory bail application and the same requires to be rejected. Hence, **the present anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]