

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****ANTICIPATORY BAIL APPLICATION NO. 553 OF 2025****Ravi Tulsiram Tiwari****..... Applicant****VERSUS****State of Maharashtra & Anr.****..... Respondents**

Mr. Mahesh B. Gupta a/w. Mr. Akash Singh for the Applicant.

Mr. P. H. Chavan for the Respondent No.2.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

Mr. G. R. More, P.S.I., Waliv Police Station present.

CORAM : RAJESH S. PATIL, J.**DATE : 3rd APRIL, 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. 0196/2024 dated 27th March, 2024 registered with Waliv Police Station, Mira-Bhayander, Vasai-Virar for the offence punishable under Sections 354(C), 504, 506 of the Indian Penal Code, 1860.

2. On the complaint filed by the victim, an FIR was lodged. The role of the present applicants have been mentioned in the said FIR.

3. It is submitted on behalf of the applicant that the mobile phone of the applicant is already in the custody of the Investigating Officer. The applicant is ready to co-operate with the investigation. In such a

situation, the custody of the present applicant is not at all necessary. The applicant had never sent any kind of objectionable photographs or objectionable videos of the first informant, to the brother of the first informant or to any of the relatives of the first informant.

4. According to the case of the prosecution, the first informant has been receiving objectionable photographs of her from various mobile numbers. Infact, the sister-in-law of the applicant has filed an FIR against the family members of the first informant on 11th June, 2024. Therefore, this is a case of cross FIR. The applicant is not a harden criminal and he is ready to co-operate with the police.

5. The learned A.P.P and the learned counsel appearing for the first informant has opposed this application. They submit that after lodging of the FIR, the present applicant has been threatening the victim girl and her family members. Hence, atleast 3 NCs have been filed against the present applicant viz. on 25th May 2024 by the brother of the victim girl, on 3rd June 2024 by the cousin of the first informant and on 23rd October 2024 again by the brother of the victim girl.

6. It is further submitted that the applicant is still in possession of the objectionable photographs of the first informant which he must

have stored in any other electronic device and so also, in iCloud. The applicant is not at all co-operating with the Investigating Officer. Even after lodging of the present FIR, the applicant has been threatening the family members of the first informant pursuant to which the NCs have been lodged with the police. Therefore, the custody of the present applicant is necessary.

7. I have heard learned counsel for all the sides and have considered the FIR and the documents on record including the copies of the NCs produced by the learned A.P.P.

8. The fact remains that the present applicant had sent objectionable photographs of the first informant to her brother. The police have verified this fact from the mobile phone of the brother of the first informant about the said fact. The Investigating Officer has also verified that the present applicant has made viral, obscene photographs of the first informant, to her relatives. Notice was issued under Section 41(1)(a) of the Code of Criminal Procedure to the applicant. However, even then the applicant went on with his filthy act of sending objectionable photographs of the first informant. The Investigating Officer has submitted that apart from the mobile phone which has been handed over by the applicant, there must be other

electronic device, so also, the iCloud, wherein the present applicant must have stored the objectionable photographs of the first informant, and he is not at all ready to co-operate with the police. Infact, he has been threatening the relatives of the first informant, that if they don't withdraw the present complaint, he will give further trouble to them.

9. So also it has been argued before me that the present applicant has opened a fake Instagram account and he is using the said Instagram account to upload objectionable photographs of the first informant. A complaint to the Cyber Branch of the Police has been lodged by the brother of the victim girl.

10. As far as, the cross FIR filed by the sister of the present applicant is concerned, that FIR was filed only on 11th June, 2024, much later than the FIR lodged in the present proceedings. It thus proves that lodging of the said FIR by the sister of the present applicant is nothing but an attempt made to counter the FIR filed by the first informant and her relatives.

11. Therefore, according to me, there is no merit in the **present anticipatory bail application and the same stands rejected.**

[RAJESH S. PATIL, J.]