

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 618 OF 2025

Ashish Radheshyam Chinchani

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. A. R. Pathak for the Applicant.

Ms. Rutuja A. Ambekar, A.P.P. for the State.

Mr. Pankaj Giri, P.I., Kandivali Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 17th MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Crime No. 0035 of 2025 dated 13th January, 2025 registered with Kandivali Police Station, for the offences punishable under Sections 420, 376, 376(2)(n), 500 and 506 of the Indian Penal Code, 1860.

2. It is the case of the first informant that the applicant came in contact with the first informant through a friend named Rahul Poddar. Through the same friend, the applicant was acquainted with the father of the first informant. As the father of the first informant was in need

of loan for the business purpose, the present applicant assured that he will help the father of the first informant. Due to this assurance, he started to communicate with the father of the first informant and later with her. He developed friendship with the first informant and thereafter they had physical relationship. The applicant then borrowed monies from various parties based on the documents of the first informant. However, the applicant started physically assaulting the first informant. Hence, a FIR was lodged.

3. It is the case of the learned counsel appearing for the applicant that there was a MOU signed between the parties. As per the MOU, the present applicant was supposed to return a sum of Rs.35 lacs to the first informant. Part of the said payment was made and the balance payment was to be made. However, the MOU could not be signed by both the parties. The relationship was by consent.

4. As regards the mobile phone of the present applicant is concerned, one of his active mobile was handed over to the first informant. The first informant has used the said mobile to suit her own purpose. The applicant is ready to co-operate with the police and the physical custody of the present applicant is not necessary.

5. The learned A.P.P. submits that the MOU referred by the present

applicant can be seen, is not signed by any of the parties. Therefore, this document should not be considered as the same is unsigned documents. Hence, it will have no relevance. The learned A.P.P. submits that mobile phone of the applicant was not handed over to the first informant and as per the instructions of the Investigating Officer, the said phone number appears to have been switched off from a long time and is not active.

6. The learned A.P.P. further submits that as per the Say dated 28th February, 2025 recorded by the Investigating Officer of the fiancé of the first informant, it has been mentioned that the present applicant through his mobile has sent an obscene photographs of the first informant and has further informed the fiancé of the first informant that he should not get married with the first informant. Otherwise, he will have to face the consequences. The learned A.P.P. submits that the custody of such kind of person has to be given to the police because there are obscene photographs of the first informant in the mobile phone of the applicant which he is not ready to surrender on the pretext that the same is lying with the first informant. The learned A.P.P. submitted photographs on record from which one can gather that first informant was brutally attacked on the face by the present

applicant.

7. I have heard learned counsel for both the sides and have considered the documents on record including the photographs of the first informant.

8. It appears from the photographs produced before me that the first informant was brutally beaten up by the present applicant. As informed, the applicant is a married man and it is his case that his relationship with the first informant was a consensual relationship. Even if it is presumed that the parties were in a consensual relationship, the applicant who is a married man, had no reason to contact the fiance of the first informant and send him obscene photographs of the first informant.

9. Similarly as far as the MOU is concerned, it is just a printout of a document having various blanks in it and the said document has not been signed by either of the parties whose names appear in the said MOU. Therefore, this document cannot be relied upon by the applicant. The mobile phone of the applicant seems to be switched off for a long period. There is no explanation. How from the said mobile phone, the obscene photographs of the first informant was sent to the fiance of the first informant. The applicant has borrowed loans from

various parties based on the documents of the father of the first informant. The said amounts are also not returned to the father of the first informant. Considering the gravity of the offence committed by the applicant, the physical presence of the applicant is necessary for the purpose of interrogation. Therefore, the **present anticipatory bail application stands rejected.**

[RAJESH S. PATIL, J.]