

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

ANTICIPATORY BAIL APPLICATION NO.2562 OF 2025

Gurjotsingh Harvijaysingh ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Ashok Mundargi, Senior Advocate a/w Subhash Jadhav, a/w Chandan Singh Shekhawat, a/w Amit A. Patil a/w Srishti Magdum a/w Ameya Lambhate i/by Ameya Lambhate for the Applicant.

Mr. P. H. Gaikwad, APP for Respondent No.1-State.

Respondent No.2 is present in person.

PSI Paresh Gargade, Pairavi Officer, Versova Police Station is present.

CORAM : N.R. BORKAR, J.
DATE : 03RD OCTOBER 2025

PC. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.527 of 2025 registered with Versova Police Station for the offences punishable under Section 376(2)(n) of the Indian Penal Code, 1860 and Section 66(E) of the Information Technology Act, 2000.
3. It is the case of the prosecution that on 10th June 2023, the complainant and the Applicant got acquainted with each other through Instagram. Owing to their affiliation with the entertainment industry and sharing mutual interests, their friendship developed into a love relationship. It is alleged that the Applicant proposed the complainant for

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marriage. Thereafter, in December 2023, the complainant agreed to meet the Applicant in Mumbai on account of a work meeting with the Applicant's team. Accordingly, on 20th December 2023, the complainant arrived at Mumbai from Ludhiana by flight. The Applicant went to receive her from the airport. The complainant informed the Applicant about her stay at a hotel, however it is alleged that the Applicant took her to his house under the pretext of work meeting. According to the complainant, the Applicant's housekeeper Rahul Kumar and his friend Raj Singh Chaudhary were present at the house of the Applicant. It is alleged that when the complainant was preparing to leave to go to her hotel, the Applicant insisted her to stay back at his house. It is alleged that the Applicant offered an orange drink to the complainant, after consuming which she felt dizzy. Thereafter, when the complainant tried to leave, the Applicant began touching her inappropriately and restrained her from leaving the house by slapping her. It is alleged that despite the resistance from the complainant, the Applicant committed forcible sexual intercourse with her. It is alleged that the Applicant told the complainant that as she was unwilling to consent, he was compelled to act by force. It is further alleged that subsequently, when the complainant tried to leave, the Applicant told her that he had taken inappropriate photos and videos of her and threatened to make the same viral, owing to which she could not leave his house for three days i.e. from 20th December 2023 to 22nd December 2023. Thereafter, the complainant began questioning the Applicant about marriage, to which she was told to go back to Ludhiana as he could not marry her immediately. This led to an argument and the complainant returned to Ludhiana on 23rd December 2023. Subsequently,

the Applicant began ignoring the messages and calls of the complainant as well as the complainant discovered that the Applicant was getting involved with other girls. Upon confronting the Applicant several times about marriage, the Applicant blocked the complainant on all communication platforms. Despite several attempts of reconciliation done by the complainant, the Applicant refused to marry her as well as subjected her to assault and humiliation.

4. I have heard Learned Senior Counsel for the Applicant, Learned APP for the Respondent-State and Respondent No.2 in-person.

5. The Learned Senior Counsel for the Applicant submits that it was the complainant, who initiated contact with the Applicant and eventually developed a friendly relationship through regular telephonic conversations. It is submitted that the complainant constantly sent WhatsApp messages to the Applicant which indicates that repeated efforts were made by the complainant to pursue the friendly relations between them. It is submitted that during the meeting on 20th December 2023, the complainant exhibited inappropriate behaviour by attempting to access the personal mobile of the Applicant without his consent on account of suspicion, which led to an argument between them and within 25 minutes the Applicant told the complainant to leave. It is submitted that at the relevant time, the Applicant was severely unwell due to cold and fever and the same can be corroborated by the WhatsApp messages sent by the complainant. It is submitted that due to the inappropriate behaviour displayed by the complainant and the ill health of the Applicant, the Applicant decided to cease all contact with the complainant immediately.

It is submitted that thereafter the complainant sent several abusive and offensive WhatsApp messages to the Applicant. It is submitted that even after being blocked on all communication platforms by the Applicant on 24th January 2024, the complainant tried to reestablish the contact with him and offered apologies for her behaviour. It is submitted that the complainant on multiple occasions attempted to enter into the residential and office premises of the Applicant, thereby threatening and harassing the staff of the Applicant. It is further submitted that the complainant resorted to threats of self-harm to compel the Applicant to meet her and thus the Applicant along with his friend Shahzad Khan met the complainant on 17th January 2025. It is submitted that the complainant's persistent interference in the personal and professional life of the Applicant, the Applicant and his friend Shahzad were constrained to file a series of formal complaints against the complainant at the police station. It is submitted that there is no need of custodial interrogation of the Applicant and he is ready and willing to cooperate in the investigation.

6. On the other hand, it is submitted that during initial conversations, the Applicant had told the complainant that he is 36 years old and therefore getting involved in a relationship with the complainant to marry her. It is submitted that the Applicant lured the complainant to come to Mumbai and on false pretext of work meeting took her to his house and subjected her to forcible sexual intercourse. It is submitted that the Applicant assaulted the complainant and restrained her from leaving his house for three days under the threat of making her inappropriate photos and videos viral. It is submitted that thereafter the Applicant refused to

talk to the complainant and blocked her on all communication platforms. It is submitted that the complainant was left with no other option but to visit the Applicant again to confront him regarding marriage. It is therefore submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. According to the complainant on 20th December 2023 she was subjected to forcible sexual intercourse. Thereafter when she tried to leave the house of the Applicant, the Applicant told her that he had taken her inappropriate photos and videos and threatened to make the same viral, due to which she could not leave the house of the Applicant for three days, i.e., from 20th December 2023 to 22nd December 2023. However, WhatsApp chat between the Applicant and the complainant of the said dates, to which my attention is drawn by the Learned Senior Counsel for the Applicant, *prima facie* reveals a different scenario. The WhatsApp chat of the said dates reads thus:

“[12/20/23, 12:41:06 PM] XYZ : In the flight baby
[12/20/23, 1:44:01 PM] G: Ok
[12/20/23, 3:03:06 PM] G: Have u landed
[12/20/23, 3:26:50 PM] XYZ : Yes baby just now
[12/20/23, 3:27:11 PM] XYZ : Flight is late by few mins
[12/20/23, 3:27:30 PM] G: Ok
[12/20/23, 3:27:38 PM] G: I am out only
[12/20/23, 3:27:45 PM] G: In car park
[12/20/23, 3:27:49 PM] XYZ.: Ok
[12/20/23, 3:27:54 PM] XYZ : Coming in few mins
[12/20/23, 3:28:40 PM] G: Ok
[12/20/23, 3:28:55 PM] G: Text me 5 min before

[12/20/23, 3:29:05 PM] G: Coming out
[12/20/23, 3:32:31 PM] G: R u out of plane
[12/20/23, 3:32:42 PM] G: Voice call, No answer
[12/20/23, 3:43:48 PM] G: Voice call, No answer
[12/20/23, 3:45:20 PM] G: Where r u
[12/20/23, 3:56:43 PM] XYZ : <attached: 00001343-PHOTO-2023-12-20-15-56-43.jpg>
[12/21/23, 5:45:02 PM] XYZ.: Hey
[12/21/23, 5:48:52 PM] XYZ : U didn even tell me ur frn is coming home
[12/21/23, 5:51:49 PM] G : I didn't know
[12/21/23, 5:51:54 PM] G : I was sleeping
[12/21/23, 5:52:08 PM] XYZ : Ok
[12/21/23, 5:52:19 PM] XYZ : Mai bahar baithu kya
[12/21/23, 5:58:37 PM] G: U can come in
[12/21/23, 5:58:43 PM] G: He is discussing work
[12/21/23, 5:59:09 PM] XYZ: Ok baby
[12/21/23, 6:28:51 PM] XYZ : Missed voice call, Tap to call back
[12/21/23, 6:36:03 PM] XYZ: I told u have
[12/21/23, 6:36:07 PM] XYZ: What i gave u
[12/21/23, 6:36:12 PM] XYZ: Ohde naal u will be fine
[12/21/23, 6:36:17 PM] XYZ: M have mulethi water
[12/21/23, 6:36:20 PM] XYZ : Its perfect
[12/21/23, 6:36:26 PM] XYZ : We use it at home always
[12/21/23, 6:36:31 PM] XYZ: No need to c doctors
[12/21/23, 6:36:33 PM] XYZ: N all
[12/21/23, 6:40:07 PM] G: Voice call, No answer
[12/21/23, 6:40:48 PM] XYZ: Voice call, 55 sec
[12/21/23, 8:15:49 PM] XYZ: Wassup
[12/21/23, 8:20:06 PM] G: Come inside
[12/21/23, 8:20:14 PM] G: Just recovering I had dozed off

[12/21/23, 8:21:13 PM] XYZ: Ok baby

[12/21/23, 8:26:15 PM] G: Voice call, 8 sec

[12/21/23, 9:30:51 PM] XYZ: Voice call, 20 sec

[12/22/23, 5:31:42 PM] G: Booking _Details_TJ100880757674.pdf

• 1 page <attached: 00001370-Booking_Details_TJ100880757674.pdf >

[12/22/23, 5:40:49 PM] G: Your boarding pass to Chandigarh – VISTARA.pdf • 1 page <attached: 00001371—Your boarding pass to Chandigarh – VISTARA.pdf>

[12/23/23, 12:38:43 PM] G: Voice call, 4 sec

[12/23/23, 4:17:27 PM] XYZ: Missed voice call, Tap to call back

[12/23/23, 4:23:10 PM] XYZ: Baby in the flight, will be leaving in sometime.

[12/23/23, 4:30:30 PM] G: Driving

[12/23/23, 4:44:27 PM] G: Voice call, 16 sec”

8. If according to the complainant on 20th December 2023 she was subjected to forcible sexual intercourse and was confined in the house by the Applicant, then on 21st December 2023 she would not have sent the messages like ‘*you did not even tell me that your friend is coming home, you will be fine, have mulethi water and there is no need to see the doctor*’. Similarly on 23rd December 2023 she would not have sent the message ‘*Baby in the flight, will be leaving in sometime*’. There is a delay of more than one and half years in lodging the FIR. Considering the overall facts and circumstances, I am inclined to release the Applicant on Anticipatory bail. Hence, the following order:

ORDER

- i. The Anticipatory Bail Application is allowed.

- ii. In the event of the arrest of the Applicant in Crime No.527 of 2025 registered with Versova Police Station for the offences punishable under Section 376(2)(n) of the Indian Penal Code, 1860 and Section 66(E) of the Information Technology Act, 2000, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- iii. The Applicant shall attend the concerned Police Station as and when called for by the investigating officer and shall co-operate in the investigation.
- iv. The Applicant shall deposit his passport with the concerned Police Station.

9. The present Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)