



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2605 OF 2024

Vishal Nagnath Shinde

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Nagesh Somanath Khedkar a/w Mr. Shubham Sane, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent No.1.
- Mr. Pandit Sampat Manjre, PSI, Shikrapur Police Station.

CORAM : MANISH PITALE, J.

DATE : 26th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Khedkar, learned counsel for the applicant and Mr. Kulkarni, learned APP for respondent – State.

2. The applicant apprehends arrest in connection with First Information Report No.0083 of 2024, dated 18.01.2024, registered at Police Station Shikrapur, District Pune, for offences under Sections 376 and 506 of the Indian Penal Code, 1860 (IPC).

3. The informant, in her statement, submitted that she developed friendly relations with the applicant and thereafter the applicant told her that he would marry her. In that backdrop, the applicant allegedly took the informant to a lodge and had forcible sexual intercourse with her. Thereafter, it is alleged that the applicant threatened the informant that he would circulate

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her videos.

4. The learned counsel for the applicant at the outset informed that during the pendency of the anticipatory bail application before the Sessions Court, there was an interim order in favour of the applicant and that the applicant has cooperated with the investigation. He submits that in the present case both the applicant as well as the informant are married individuals and therefore, there was no question of any false promise of marriage for indulging in sexual intercourse with the informant. Attention was invited to the history recorded during the medical examination of the informant in support of the contention raised in the application. It is submitted that this Court may allow the application.

5. The learned APP submits that the Sessions Court in the order dismissing the application specifically observed that the applicant had not cooperated with the investigation and he had not remained present when the Investigating Officer had called upon the applicant to remain present.

6. A perusal of the statement of the informant, indicates that, according to her, after giving a promise of marriage, the applicant took the informant to a lodge had forcible sexual intercourse with her. Thereafter, he stopped receiving her phone calls and threatened her that he would circulate her videos.

7. In the first place, the informant herself being a married woman, cannot claim that she fell prey to the false promise of marriage given by the applicant. Being a married woman, she was clearly aware that she would not be able to marry the applicant. In any case, even the applicant is a married man and therefore, the theory of false promise of marriage *prima facie* appears to be misplaced. As regards videos being made viral by the applicant, it is brought to the notice of this Court that during the period of six months when the applicant was enjoying interim relief before the Sessions Court, he attended the police station on various dates and he also surrendered his mobile phone. Photocopies of the diary are produced for perusal of this Court. It is candidly stated that the applicant could not attend the police station when called on 13.02.2024, for the reason that the application was listed before on that very date before the Sessions Court. Therefore, the aforesaid material is enough to satisfy this Court that the applicant has attended the police station as and when called.

8. There is nothing to indicate that the applicant till date has circulated any videos of the informant and therefore, sufficient grounds are made out for allowing the present application.

9. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0083 of 2024, dated 18.01.2024, registered at Police Station Shikrapur, District Pune, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 30th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall continue to cooperate with the investigation. He shall not in any manner contact the informant.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

15. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

16. It is also clarified that the observations made in this order are

limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

17. The application is disposed of.

(MANISH PITALE, J.)