

MHCC050065752022



**IN THE COURT OF SESSIONS AT DINDOSHI,
BORIVALI DIVISION, GOREGAON, MUMBAI.**

ANTICIPATORY BAIL APPLICATION NO.1965 OF 2022

IN

C.R.NO.649 OF 2022

Mr. Devanshish S/o Rajesh Jain,

Aged : 31 years, Occu.:

Residing at :C-3, Anmol CHS Ltd.,

S. V. Road, Goregaon (West),

Mumbai-400 104.

...Applicant/accused.

V e r s u s

The State of Maharashtra

(Versova Police Station)

...Respondent.

Shri Ashok Sarogi, Advocate for the Applicant/accused.

Shri Gaurav Pandey, Advocate for the Intervener.

Miss Usha Jadhav, A.P.P for the State.

CORAM : A.Z.KHAN,

Additional Sessions Judge,

Borivali Division, Dindoshi, Mumbai.

(C.R.NO.09)

Dt.12th December, 2022.

ORDER

1. The present application is filed by the applicant/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.4. Heard the learned advocate Shri Ashok Sarogi for the applicant/accused, Shri Gaurav Pandey Advocate for the Intervener & the learned A.P.P Miss Usha Jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicant/accused alleged to have been committed the offences punishable u/s 376(2)(n), 377, 328 & 509 of The Indian Penal Code in C.R No.649 of 2022 wherein the offence is registered in Versova Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant/victim Dt.07.12.2022 along with the statements of the witnesses and the documents filed by the parties on record etc clearly shows that the complainant is the actor and modeler and she got acquaintance with the present applicant/accused on dating APP namely Bumble wherein the present applicant/accused took her to Churchgate for wondering on 29.10.2022 as well as the present applicant/accused administered the intoxicated substance and made the sexual intercourse. Moreover, the present applicant/accused repeatedly made the sexual intercourse with the complainant and took the videography and made her pregnant but the applicant/accused ran away from the Kokilaben Hospital by keeping her alone whereby the complainant lodged the report in which the police investigated the matter and recorded the statements of the witnesses.

3. Obviously, the report, statements of the witnesses and the documents filed by the parties on record clearly shows that the complainant got acquaintance with the present applicant/accused on dating APP namely Bumble wherein they developed the relation with each other in which the present applicant/accused made the sexual intercourse with her time again forcefully by the administering intoxicated substance and prepared the video & made her pregnant but abused in filthy language and ran away by putting her alone in hospital.

4. No doubt, the offence is serious and against the woman wherein the documents shows that the present applicant/accused developed the relations with the complainant & made the sexual intercourse under the pretext of the videography by his mobile etc. The mobile phone yet to be seized from the present applicant/accused as well as there are several aspects involved in the present case which requires to be interrogated and thus the custodial interrogation of the present applicant/accused is indeed essential otherwise the right to interrogate the present applicant/accused by the investigation Officer would be taken away which would certainly affect the case of the prosecution & ultimately the case of the complainant on merit.

5. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby rejected.

(A.Z.Khan)

Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :- 12.12.2022.

Dictated on : **12.12.2022.**

Transcribed on : **12.12.2022.**

Checked and Signed on : **12.12.2022.**

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

12.12.2022 at 05.40 P.M.
UPLOAD DATE AND TIME

Ashok S. Sugdare
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.09)
Date of Pronouncement of JUDGMENT/ ORDER	12.12.2022
JUDGMENT/ORDER signed by P.O. on	12.12.2022
JUDGMENT/ORDER uploaded on	12.12.2022