

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

ANTICIPATORY BAIL APPLICATION NO. 1527 OF 2023

Manoj Gupta @ Tillu Gupta
@ Vinod Rajkumar Gupta

...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Babu Singh Shekhawat a/w Mr.Vikashchandra Mishra and Mr.Niranjan Kondyala a/w Mr.Jigar Agarwal – Advocate for Applicants.

Mr.Y.Y.Dabke – APP for the Respondent – State.

Mr.Ramesh Dhaigude – API – Naigaon Police Station.

CORAM : S. M. MODAK, J.

DATE : 31st MAY, 2023

P.C. :-

1. Heard learned Advocate for the Applicant. Officer is present.
2. There is an FIR registered at Naigaon Police Station on 28th March, 2023 under Sections 376, 376(2)(n), 323, 448, 452, 384, 504 read with 34 of Indian Penal Code, 1860 [“IPC”] on the complaint of one Mamata Rajbhar. She is having age of 24 years. There are in all 4 Accused persons. Present Applicant is Accused No.1. Rest are his relatives. They have been granted anticipatory bail by the Court of Additional Sessions Judge – Vasai.

3. The sum and substance of the allegation from the FIR is that the First-Informant is desirous of acting in Bhojpuri films. She met the present Applicant who is director of movies. Under the pretext of giving an opportunity to the First-Informant to act in movies, the Applicant had sexual intercourse with her. There is an allegation that he has snapped her nude photographs. The issue did not rest there. The present Applicant demanded Rs.10,00,000/- from the first informant on account of deleting those nude photographs.

4. Lastly, the Applicant had a intercourse on 7th March, 2023 and on 19th March, 2023. The Applicant again demanded Rs.10,00,000/- from the First-Informant, otherwise he has threatened her to make those photos viral. On this background, the complaint is lodged.

5. The Applicant is not disputing his relationship with the First-Informant. In fact, he claims that he has also paid various amounts to the First-Informant towards the fees for acting in movies. Those relevant extracts are filed along with compilation filed today. It is taken on record and marked as Annexure-X. There are certain photographs annexed today which consists of both of them being shown along with the others. The contention is that the relationship is consensual.

6. Bail is opposed on the ground that the allegations are serious and the Police wants to recover the mobile handset used by the Applicant for snapping the photographs.

7. They were in touch with each other from 2nd December, 2018 upto 19th March, 2023. This is mentioned in the FIR. The First-Informant is a major. Even though it may be true that she has alleged about threatening given by the Applicant to make those videos viral, the readiness shown by the Applicant to produce mobile handset can be considered in his favour. In that way, the mobile handset being one of the piece of evidence can be collected with the assistance of the Applicant. Considering the allegation in the FIR, it seems that the relationship is consensual. I do not find that there is any justifiable reason for his custodial interrogation.

8. Hence, following order is passed :-

O R D E R

(i) In case of an arrest in connection with C.R.No. 18 of 2023 registered at Naigaon Police Station for the offences punishable under Sections 376, 376(2)(n), 323, 448, 452, 384, 504 read with 34 of IPC the Applicant - Manoj Gupta @ Tillu Gupta @ Vinod Rajkumar Gupta be released on furnishing personal

bond and surety bond of Rs.25,000/-.

- (ii) Applicant is directed to give attendance to Naigaon Police Station on first and third Monday of every month from 10.00 to 12.00 noon until filing of charge-sheet.
- (iii) Readiness shown to produce the mobile handset by the Applicant is accepted as an undertaking to the Court. Let it be produced within two weeks from today before the concerned Police and they are at liberty to take appropriate steps.
- (iv) If any of the conditions is breached, the anticipatory bail will liable to be cancelled subject to notice.

9. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.

10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]