**Charge #1 and #2:**

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**The allegation is completely false. The Complainant is lying through the teeth and her claims are deliberate falsehoods designed to malign Accused’s character.**

* Confirmation Bias/Borrowing allegations from prior couple:

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Police Report (Page 36)

“Police have been to this apartment before. But not for complainant and bf/landlord.”

A few months ago, police were called to the same apartment for an incident involving a different couple. The couple, originally, from the state of Punjab, displayed relationship dynamics involving dominance and arguments over domestic matters. These behaviors, while not uncommon in Punjab, contrast starkly with the progressive cultural norms of both, the accused (Kolkata) and the complainant (Mumbai). However, at the time, neither individual involved provided statements, and nothing was said to the police when they showed up. Since no report was filed, the matter was closed without further action.

Current Incident:

In the present incident, the complainant has alleged misconduct by the accused. Upon review, many of the specific allegations raised by the complainant bear a striking resemblance to the issues previously observed in the other couple’s relationship. These included claims that the bf exerted dominance and engaged in petty arguments about shared domestic responsibilities such as cleaning and cooking.

It is evident that the complainant, being a resident of the same apartment had ample exposure to prior couple’s issues. In a moment of anger and emotional distress, the complainant appears to have appropriated these details to construct her allegations against the accused. This is particularly significant given the absence of any prior indication of such behaviour from the accused. The complainant’s use of verbatim phrases and scenarios from the previous couple’s disputes—such as arguments over household chores or accusations of insubordination—suggests that these allegations are not based on personal experiences but rather on observations of the prior couple’s interactions.

The complainant’s emotional state at the time of making these allegations likely played a significant role in the inaccuracies and exaggerations within her statement. It is reasonable to infer that the Complainant’s deliberate incorporation of details from the prior couple’s relationship indicates a fabrication of events rather than a factual account of interactions with the accused. This casts serious doubt on the veracity of the complainant’s claims and strongly supports the Accused’s position that the allegations are both false and motivated by anger rather than truth.

* Continued Residence:

The complainant alleges that the accused began exhibiting problematic and abusive behavior as early as March. However, despite these claims, the complainant chose to continue living in the same apartment with the accused for several months, up until the current allegations were made. This decision to remain in the apartment raises significant questions about the validity of the complainant’s claims for the following reasons:

1. Lack of Immediate Action:
   1. If the alleged behavior of the accused was as severe and persistent as claimed, it is reasonable to expect that the complainant would have sought to distance herself from the situation.
   2. No steps were taken to leave the apartment, involve either family for support (she was in regular touch with the Accused’s mother and had her mobile number and his brother’s too), or seek external help such as, contacting authorities or reaching out to a shelter, especially since she is from medical background and is knowledgeable of the need to get help in such times.
   3. The lack of urgency in addressing the alleged issues undermines the credibility of the complainant’s assertions about the accused’s behavior.
2. Absence of supporting evidence from co-residents:
   1. In a shared living apartment, repeated incidents of abuse are unlikely to go unnoticed. Two other residents of the apartment say they are unaware of any physical or verbal altercations between the accused and the complainant. They didn’t even know about there being any relationship between the two! This lack of corroboration strongly suggests that no such incidents occurred.
   2. If such allegations were true, it is reasonable to expect that the complainant would have tried to distance herself and move out. On the contrary, the complainant participated in vacation trips, such as the 3-day trip to Montreal with the Accused and 5 others on June 20th, displaying no signs of distress or discomfort that would be consistent with her allegations of an abusive relationship. If the relationship was indeed abusive, it is highly unlikely that both parties would have been able to conceal such issues entirely during an extended trip with close friends. Further, on July 20th, 2024, the Complainant went to Wonderland with the Accused.
3. Contradictory behavior: Despite ongoing issues as is alleged, choosing to involve police only after a prolonged period suggests that the complainant’s decision to escalate the matter may not have been motivated by a genuine desire for safety or justice, but by factors, such as, misplaced anger, frustration and a desire to retaliate (in response to the Accused advising for a wellness check). The timing and nature of the complainant’s actions suggest a reactive, rather than proactive approach to addressing the alleged issues.

The Complainant’s lack of timely reporting, credible witnesses, alongside, the overlap with an unrelated prior couple’s dynamic are too much of a coincidence. The complainant’s narrative is contradicted by her behavior and the lack of supporting evidence.

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These claims are entirely fabricated, baseless, and are a direct attempt to misrepresent the accused by fabricating events that never occurred.

* Accused’s Routine and Priorities:
  + During the time period in question, the Accused was deeply committed to a fitness journey. He spent the majority of his evenings walking 10 kilometers daily, alongside regular gym sessions, as part of his personal health goals and he lost 20 kgs on his own, with proper research on nutrition and workout plans, online.
  + As a full-time professional, the accused’s work schedule was demanding, leaving limited time after work to learn and carry on his fitness routine. This commitment to his routine left no time or inclination for the alleged behavior.
* Meals and Household Dynamics:

The accused typically managed his own meals. He either prepared food the night before or cooked it fresh after returning home. On rare occasions when others cooked and offered meal to him, the Accused would simply take some and reheat it himself, as did the others when he made a meal and offered others.

There was never an instance where the accused demanded food be brought to his room or enforced any form of servitude. This narrative is entirely inconsistent with the accused’s independent lifestyle and respectful attitude.

* Contradictions and Borrowed Allegations:

The claims made by the complainant bear an uncanny resemblance to the issues witnessed in the prior couple’s relationship within the same apartment. It is evident that the complainant, in a state of anger or as part of a calculated attempt to frame the Accused, has borrowed these details to fabricate her narrative.

**Background:**

**August 15th, Thursday**

Kajal had a friend, whose name was Shivani. Kajal was trying to set me up with Shivani, as in a relationship. Shivani had given me ample seductions, be it in her place or my place, or at the gym. She had given me a lot of hints that she was into me already. It was her 3rd day in Canada. Kajal had made it clear; she wants me and Shivani to continue together. Shivani was invited by kajal and me to spend the evening at our place.

After coming from the gym, I went to bed and shavani and kajal also followed. We spoke after a bit went to bed. To my right was shivani and to my left was kajal. Shivani was getting closer to me, and by the morning I woke up, shivani and I had kissed 2 seconds, which Kajal saw.

Before this, Kajal and my relationship was never exclusive and she never gave me the respect I deserve. Throughout the time, Kajal was pressurizing me to get partnered up with Shivani. And after meeting Shivani, she was already highly into me. Thinking it could be friendly, I did not entertain it and had asked specifically to keep her away. However, kajal was upset. *So I ordered her food, which she did not eat.* She ended up throwing it in the garbage at night. At night, I started watching TV, and Kajal was sleeping near me. She did not cook anything that day, so I asked if she had eaten anything, to which she replied, she did eat.

While watching TV, I apologized to her, for what happened with Shivani, and I also told her my side. I acknowledged she was hurt, because she has feelings for me. *I reminded her then, countless times I asked her if she was serious, every time she said no.* In fact, the whole hook up with Shivani, she had only set up and was in fact trying to do before she had even come to Canada. So now I wasn’t sure why she is so upset. Anyway, I respect her feelings, so I tried to console her, but she started saying filthy things as she always does. About my upbringing and questioning my character.

So I reminded her, since she claims our relationship was real, during my time in india, why did she mix around with other boys? Why did she entertain propose messages from other men? I had seen the messages on instagram, of a guy who had proposed her. She kept telling me he is just a friend. Then I confronted her about the nude photos she would go back and forth with her ex boyfriend, which I also saw. What was that about? She said it happened one time, but it’s the one time I saw. How do I know it did not happen before?

**Charge #3:**

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* I stopped answering her and began to watch television,
* which she felt hurt by that I am dismissing her.
* At which point, **she threw a slap on my face**, I looked at her in startle, why did she slap me.
* I remained calm as I did not want to escalate because I realized she was angry after seeing Shivani and me kissing. So, I ignored it, while
* she continued to say bad things and
* I continued to watch television,
* at which point ***she got up on me*** seeking attention and a reaction.
* When I ignored, **she started pulling my hair**. The hair pull was so hard and for a minute, I lost my senses.
* I moved in reflex; my hand struck her face out of reflex, and she fell to the left on the bed.
* **She retaliated by taking the phone and banging it on my head really hard**, while I was lying down.
* While I was in pain, she again started saying hurtful things like I will never be happy, and such.
* I held back and did not react to what she was saying as I didn’t want to talk to her.
* Instead, I increased the volume to avoid listening to her hurtful speech.
* This infuriated her
* she climbed on top of me again, completely restricting my arms this time, by sitting on them.
* I attempted to move but I couldn’t move at all. I repeatedly asked her to get off me, raising my voice in an attempt to tell her I seriously am having trouble breathing.
* I attempted to take a video but she didn’t let me take it and the phone fell from my hands. I managed to get a hazy shot, however, before the phone fell, which does show her sitting on my chest.
* She refused to move.
* My hands were locked under her thighs and
* her pressure was making it difficult to breathe,
* so to free myself I bit her arm as only my face was free to move.
* This caused her to jump away from top of me without causing further injury to either of us.

**Charge #4 and #5:**

* **The accused climbed on top of her and held her down.** (Photo).
* **The Accused punched the victim with a closed fist on her left cheek and lip.**

I stopped answering her and started to watch television, which she felt hurt by that I am dismissing her. At which point, **she threw a slap on my face**, I looked at her in startle, why did she slap me. I remained calm as I did not want to escalate because I realized she was angry after seeing Shivani and me kissing. So, I ignored it, while she continued to say bad things and continued to watch television, at which point ***she got up on me*** seeking attention and a reaction. When I ignored, **she started pulling my hair**. The hair pull was so hard and for a minute, I lost my senses. I moved in reflex; my hand struck her face out of reflex, and she fell to the left on the bed.

* **The Accused also scratched the victim's left cheek, neck and chest.**

When the Complainant saw that the Accused wasn’t going to remain quiet anymore, the Complainant started to shout at the Accused and engaged in self-inflicted harm. There was a water bottle nearby, she took it and hit her head, then she scratched her own face. The Complainant thought that the Accused would try to stop her, **like he did when she made threats in the past (knife, window and scissor),** but when the Accused didn’t react as she had intended, she went onto scratch her chest. At which point, the Accused got scared and tried to stop her. (Video proof of confronting her on self-harm in the past – July 25th, 2024, 9:35 pm).

* **The Victim attempted to leave the room, the accused dragged the victim back to the bed and she felt she was unable to leave without further assaults.**
  + She calmed down and left the room on her own, there was no restriction or any sort of altercation.
  + Her roommate, Joshita, can confirm that she was in her own room during this time. At NO point did I forcibly confine her or restrict her movement.
  + After a while, she returned to my room. She was calm and laid down beside me. We started talking and both of us started crying while regretting what just happened. She confessed that she was upset about me and Shivani and I apologized again. I assured her she had the right to be upset, and the right to be mad. I also told her what bothered me – the fact that every time she says this is only a situationship and is trying to set me up with her friend. So, I went with the flow. If she felt bad and disrespected, she knew what she was doing when she tried to set me up with Shivani. We listened to each other and understood one another. Then we slept.

**Charge #6**

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**Page 30: Police Note (Poque).**

* “Complainant has bruise to left elbow.
* Advises *she doesn’t know from where she got that*.
* *No visible injury from assault*.
* Bruise to lip.”
* When Pogue asked about the bruise to left elbow, the complainant advised she does not know. It could mean the bruise was already there before the incident.
* Because the Complainant did not blame this on the Accused right then, it could imply the cause of the bruise was something else, not related to Accused.

Image 3: Pogue's notes (Page 30).

* During questioning by Officer Pogue regarding the bruise on the complainant's left elbow, the complainant stated that she did not know how it happened. The complainant's uncertainty about the cause of the bruise suggests the possibility that it predated the alleged incident or arose from an unrelated event.
* If the accused were responsible for causing the bruise, it is reasonable to expect that the complainant would have explicitly attributed the injury to the accused during the questioning. The absence of such attribution raises questions about the complainant's credibility and supports the defense's assertion that the accused is being falsely framed.

**August 18th, Sunday.**

There was no reason for a conflict to have taken place on Sunday morning, and therefore I believe it was planned. She deliberately provoked me. I went to the kitchen after my shower and asked her to keep the volume down as she was on loudspeaker. At this point, she was in her room. She did not and instead, started disrespecting me while on the phone with another person. I asked her politely why she is creating a scene while on the phone with someone else.

Shortly after, an argument ensued, she started disrespecting me and saying really hurtful things like she always does. I ended up saying things back to her, which upset her more and she went towards my phone, which was lying on the kitchen countertop and smashed it on the floor. (The arresting officer verbally acknowledges my broken phone screen).

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Page 41: Police Notes.

“Modi is walked down to scout #1409. Searched key chain, one key and phone is crushed screen.”

**Charge #6 and #7:**

Upset, I took her laptop which I had purchased with my own money and brought it in my room. I asked her to not bother me anymore and closed the door. But she continued to lash out at the door to get me to open it. I keep an extra spare key to my room hidden in the kitchen and she somehow found the hidden spare key and used it to unlock the door. She forcibly tried to enter my room despite my repeated requests to leave me alone. She was forcing her way in my room, while I was blocking and trying to keep her out of my room. Knowing I wouldn’t continue pushing the door if her hand was in between, she cunningly placed her hand in between the gap. I didn’t want to engage with her and escalate the situation any further so I tried to scare her into removing her hand, but she didn’t budge forcing me to open the door and let her in. I gave her the laptop, but instead of going away, she grabbed my bigger expensive laptop and threw it on the ground and then she left. Fortunately, my laptop was protected with a study case that absorbed the impact. Frustrated, I sent her a notice to vacate by Tuesday Aug 20th, via message, as I didn’t want to get into any further problems with this person.

**Charge #8:**

A little while later, she packed her suitcase and was going outside. With a grain of salt, I calmed myself down and tried to calm her as well. I assured her that she didn’t need to rush out impulsively and suggested finding a suitable place to move instead of making rash decisions. I didn’t mean to have her leave this instant, because I knew she was low on cash (I had helped her a lot financially) and I also was worried about her mental situation, especially after seeing that she can really hurt herself. So, I took her suitcase and tried to convince her to stay until she finds another place, hoping she agrees. I really wanted to pacify the situation and at that point, I thought it would be best if we can have someone help us out of this. I had considered calling previously as well, but she always told me not to call them. She stopped petty arguments whenever I mentioned about getting outside help. But today, I had given up and tried to call the helpline for a wellness check on both of us, which I did not follow through on the call, as she got up to leave.

I wanted to talk to her to calm her down but then I got another call, so I indicated to her to wait for a minute, stretching my leg forward. She told me that she doesn’t want to talk and she left. At that point, I gave up. I already had sent her a notice to vacate anyway and she’s leaving on her own before the month ends so that’s on her. But then police showed up.

**Fact Check -**

1. Once inside, she grabbed my larger laptop and threw it to the ground (she threw your laptop?) Fortunately, it was protected by a sturdy case, which absorbed most of the impact, leaving the laptop itself unharmed. Frustrated with her creating a scene, I told her to leave the apartment. She packed a suitcase and appeared ready to leave.
2. However, concerned for her safety and well-being, I calmed myself and brought her suitcase back inside. I assured her that she didn’t need to rush out impulsively and suggested finding a suitable place to move instead of making rash decisions. Unfortunately, she misinterpreted this as a sign of weakness, struck me in the face, I attempted to call help, she insisted to leave again, I moved my chair back and she left. I ended the help call, and tried to lie down for a bit.