

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1994 OF 2016

Usman Husein Shaikh Vs. State of Maharashtra

**Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.**

Court's or Judge's orders

Mr. Niranjan Mundargi i/b Hafeezur Rahman for applicant.
Mrs. P.P. Shinde APP for State.

CORAM : A.S. GADKARI, J.
DATE : 3rd May 2017.

P.C.:

- 1] By an Order dated 29th March 2017, the applicant was granted interim relief.
- 2] It is the case of the prosecution that, the first informant who was aged about 42 years on the date of registration of first information report was acquainted with the applicant and by taking undue advantage of the situation, the applicant initially demanded certain amount from her and subsequently committed the offence as contemplated under Section 376 of the Indian Penal Code. It is the allegation that the applicant also took obscene photographs of the first informant by using his mobile hand-set.
- 3] I have perused the record of investigation. Prima facie, it appears that the alleged act as contemplated under Section 376 of the Indian Penal Code was consensual act between the applicant and the first informant. As far as the photographs taken through the mobile phone is concerned, the report of the Forensic Science Laboratory discloses that it did not had any photographs or video

shooting pertaining to the informant in it.

4] In view thereof, the applicant has made out a case for his release on pre-arrest bail. The interim relief granted by Order dated 29th March 2017 is hereby confirmed.

However, the applicant is directed to attend the Investigating Officer as and when called between 11.00 a.m. to 2.00 p.m. and to join the process of investigation till submission of final report/chargesheet.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)