

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

ANTICIPATORY BAIL APPLICATION NO.2145 OF 2016

Nadeem Mumtaz Ahmed Shaikh Vs State of Maharashtra

WITH

APPP NO. 138 OF 2017

Mrs. Kausar Mohammed Kaleem ShaikhIntervener

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

Court's or Judge's orders

Mr. Mobid Solkar for Applicant.
Mr. Satish S. Modi i/b Kumar & Associates for Intervener.
Mrs. P.P. Shinde, APP for State.
Mr. Satyawan Kadam, PSI, Mira Road Police Station present.

CORAM : A.S. GADKARI, J.
DATE : 21st April 2017.

P.C.:

- 1] The applicant is granted interim relief by an Order dated 5th January 2017.
- 2] Heard the learned Counsel for the applicant and the learned Counsel for the Intervener-Original Complainant at length.
- 3] After perusal of the first information report, it is revealed that the alleged incident as contemplated under Section 376 of the Indian Penal Code had taken place six-to-seven months prior to lodgment of the first information report. It further appears that the physical relationship between the applicant and the first

informant was continued in the intervening period. The allegations against the applicant as contemplated under Section 376 of the Indian Penal Code was consensual act between two adult persons and prima facie it appears that after the said relationship between the applicant and first informant came to the light, the first informant lodged the report. It is to be noted here that, the alleged incident occurred on 20.3.2016 and the crime is registered on 22.10.2016 i.e. approximately seven months from the date of incident.

4] In view of the aforesaid facts, the applicant has made out a case for grant of pre-arrest bail. In view thereof, the interim relief granted by an Order dated 5th January 2017 is hereby confirmed.

5] The application is allowed in the aforesaid terms.

6] In view of disposal of the A.B.A. No.2145 of 2016, Criminal Application No.138 of 2017 does not survive and the same is accordingly disposed off.

(A.S. GADKARI, J.)