

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

BAIL APPLICATION NO. 960 OF 2017

Sakur Manjur Khan

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sujit Shelar for the Applicant.

Ms. P.N. Dabholkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 21th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 662 of 2016 dated 17.12.2016 registered with Sakinaka Police Station, Mumbai under Sections 504, 507, 509, 376(2)(n), 377 read with Section 34 of the Indian Penal Code and under Section 67-A of the Information Technology Act, 2000.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

The first information report is lodged by Smt. Noorjahan Shaikh aged about 21 years. Initially the first information report was lodged against the Applicant for an offence under Sections 507, 509 and 504 of the Indian Penal Code for sending obscene messages and photographs on the mobile phone of first informant and for threatening her of breaking the marriage of the first informant

which was fixed with Mr. Javed Khan. In her supplementary statement dated 21.02.2016, the first informant stated that in the month of December 2015, the wife of the Applicant called her at her residence and gave her cold drink which was spiked with stupefying substance and thereafter, the Applicant committed the offence as contemplated under Section 376 of the Indian Penal Code with her. It is the further prosecution case that, the Applicant thereafter, threatened the first informant of circulating a video clip, which he had taken on his mobile phone of the earlier act and forced her to submit to his illegal demands and thereafter, from time-to-time committed further offence under Section 376 with her. That, the Applicant sent photographs of intimate moments of Applicant and first informant's to the prospective husband of the first informant, due to which her marriage was broken. During the course of investigation, the Applicant came to be arrested on 01.02.2017 and after completion of investigation, the police have submitted charge-sheet.

3 As noted earlier, there is drastic improvement by the first informant in her supplementary statement than, that in her original statement recorded under Section 161 of Cr.P.C. From her original statement, offence only under Sections 507, 509 and 504 was made out. However, from her supplementary statement additional Sections 376(2)(n), 377 read with Section 34 of Indian Penal Code have now been applied to the crime by the police. There is substantial improvement in the supplementary statement of the first informant as noted

earlier. The investigation of the present crime is already completed and police have submitted charge-sheet. No further purpose will be served by keeping Applicant in the incarceration. In view thereof, the Applicant can be released on bail.

Hence, the following order:

- i) The applicant be released on bail in C.R. No. 662 of 2016 dated 17.12.2016 registered with Sakinaka Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m.
- iii) The applicant shall also attend all the dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)