

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 342 OF 2019

Mohd. Zulfikar Nawab Siddique .Applicant

Vs.

The State of Maharashtra .Respondent

WITH
CRIMINAL APPLICATION NO. 422 OF 2019
(For Intervention)

IN
ANTICIPATORY BAIL APPLICATION NO. 342 OF 2019

Mehrunnissa Mumtaj Ali Shaikh .Intervenor

IN THE MATTER BETWEEN

Mohd. Zulfikar Nawab Siddique .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Anish A. Desai, Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent – State
Mr. Prasanna Bhatgare, Advocate, for the Intervenor
Mr. Avinash Mande, PI, R. C. F. police station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 24.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 15 of 2019 registered with the R. C. F. Police Station, Mumbai, for the alleged offences punishable under Sections 376, 377, 420, 340, 323 & 506 of the Indian Penal Code.

3. According to the Complainant, aged 39 years, she was in relationship with the Applicant, aged 38 years since 2012. According to the Complainant, they had physical relations, as the Applicant had promised to marry her. Whether or not the relations were consensual or not will be examined and decided by the trial Court. The Complainant has also alleged that the Applicant had taken an amount of Rs. 24,00,000/- from the Complainant on different occasions for purchase of a house and thereafter, had cheated her. It appears that the Applicant had issued cheques drawn in the name of the Complainant. Although learned counsel for the Applicant submits that the cheques were misused by the Applicant, the same is a matter which will be considered by the trial Court in the 138 proceedings, which are filed by the Complainant against the Applicant. Learned counsel

for the Applicant on instructions states that the Applicant without admitting his liability and without prejudice to his rights & contentions is ready to deposit a sum of Rs. 7,00,000/- in the Registry of this Court, within two weeks from today. Statement accepted.

4. Considering the peculiar facts of this case, custodial interrogation of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall deposit a sum of Rs. 3,50,000/- within two weeks from today and the balance sum of Rs. 3,50,000/- within two weeks thereafter in the Registry of this Court;

(iii) The Applicant shall attend the concerned police station **as and when called for** by the investigating officer;

(iv) The Applicant shall not tamper with the evidence or

attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant to cooperate with the investigation.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. In view of disposal of the Application, the Intervention Application, being **Cri. Appln. No. 422 of 2019** does not survive and the same stands disposed of accordingly.

7. To be placed on **09.07.2019** for recording compliance of the first deposit of Rs. 3,50,000/-. To be placed on the **Supplementary Board**.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)