

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1091 OF 2019**

Bazil Shaikh Dastgir ] ... Applicant

Versus

The State of Maharashtra. ] ... Respondent

Mr. Yogen Kakade a/w Bhagyashree Ghute for Applicant.  
Smt. A.A. Takalkar, APP for State.  
Mr. Chandrakant D. Bhosale, Sr. PI Lakshar Police Station, Pune.

**CORAM :- SARANG V. KOTWAL, J.**  
**DATE :- 03 JUNE, 2019**

**P. C. :-**

1. The applicant is seeking anticipatory bail in connection with C.R.No.235/2018 registered with Lakshar Police Station, Pune u/sec.376, 420, 506 r/w 34 of I.P.C.

2. The FIR was lodged on 03/11/2018. According to the prosecutrix, she and her family members had invested amount of Rs.12,45,000/- with one Firoz Shaikh. The prosecutrix was assured of handsome returns on her investment. However, the amount or interest were never paid to her. When she tried to confront the said

Firoz Shaikh for repayment, on different occasions Firoz committed rape on her. It is her case that on the first occasion he had given some intoxicating drinks, because of which she had become unconscious. On the next occasion he committed rape by threatening to publish a video clip which was taken by him. In short the entire allegations are against the said Firoz Shaikh.

3. As far as present applicant is concerned, he is brother-in-law of the main accused Firoz Shaikh. In the entire FIR there is only one allegation against him. It is mentioned that in January 2018 Firoz Shaikh called the prosecutrix at J.J. Garden. At that time the present applicant had accompanied him. It is her case that while Firoz Shaikh was threatening her, even the present applicant abused and threatened her. The FIR further mentions that, thereafter, because of her shouts Firoz Shaikh and the present applicant ran away. Apart from this allegation, there is absolutely nothing against the present applicant.

4. Heard Mr. Yogen Kakade for Applicant and Smt. A.A. Takalkar, APP for State.

5. Ld. Counsel for the applicant submitted that the allegations against Firoz Shaikh were not true. He further submitted that as per the allegations when the first incident of rape had taken place at that time the accused Fauziya Shaikh - wife of Accused No.1 Firoz Shaikh - had delivered a baby girl and she was in hospital. Therefore, according to him when specific role was attributed to Fauziya falsely by the prosecutrix in respect of the first incident of rape, her entire allegations were false.

6. It is not necessary to go into the veracity of the allegations pertaining to rape. In this application I am considering the allegations against the present applicant. The allegations against the present applicant are that he is supposed to have abused the prosecutrix and he is supposed to have threatened her in the month of January 2018. The FIR is lodged after about 10 months from that date i.e. on 03/11/2018. In this background, considering the minor nature of allegations against the applicant, custodial interrogation for that particular incident is not necessary. There are no allegations against him in respect of the serious offence committed by his brother-in-law i.e. incidents of rape. Taking all these circumstances into account, no

case is made out for custodial interrogation of the applicant. Hence, the following order.

**ORDER**

1. In the event of his arrest in connection with C.R. No.235/2018 registered with Lakshar Police Station, Pune, the Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**