

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 758 / 2020

Asla Habibulla Khan

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Rizwan Merchant i/by Mr. Sultan Khan & Mr. Sagar Shete,
Advocate for the Applicant.

Ms. Anamika Malhotra, Advocate for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 8th December 2020.

P.C. :-

1. Applicant was heard extensively on 28th October, 2020 and by reasoned order, interim pre-arrest protection was granted. Primary evaluation of the material on record suggests, that it is a case of over and false implication by a lady of 43 year old against the 61 year old applicant and that too, at the instance of applicants' son.

2. On 9th July, 2020, a crime was registered against the applicant under Section 354-A (1) (i) of the Indian Penal Code, 1860, for alleged sexual overtures and advances by the applicant in May, 2020. On the next day, complainant supplemented the allegations by alleging that she was sexually assaulted by the applicant twice in the year 2015. Second alleged sexual assault was committed, while she was called by the applicant on a pretext of deleting her obscene pictures shot by him, while committing the first sexual assault. F.I.R. says while lodging the complaint, victim was accompanied by applicants' son. It seems there are several complaints filed against the son of the complainant by his brother and other relatives. Though the revelations are serious and shocking the attendant circumstances and events makes the revelations suspicious.

3. In my view, a case is made out for granting the pre-arrest bail. It is granted on the following terms.

ORDER

(i) In the event of arrest of the applicant in Crime No.144/2020 registered with Uttal Coastal Police Station, he shall be released

on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish his residential address as well as permanent address and contact details to the investigating officer forthwith;

(iii) The applicant shall cooperate in the investigation and report to the Investigating Officer as and when called;

(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;

4. Application is allowed and disposed of accordingly.

5. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

Najeeb