

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 59 OF 2021**

Mohammad Hasim Nazimujja Siddiqui ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Sanjiv Sawant a/w. Mr. Rohan Mahadik & Mr. Pramod Londhe
i/b. The Juris Partners, Advocate for the Applicant.

Mrs. A. R. Tidke, APP for the Respondent – State.

PSI-Deepak K. Ulhas Nagar Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st FEBRUARY, 2021.

PC :

1. This is an application for bail in connection with C.R. No. 202 of 2020 registered with Ulhas Nagar Police Station for the offences punishable under Sections 376, 354(a) of Indian Penal Code, 1860 ("IPC" for short). The applicant was arrested on 20th June, 2020.

2. The prosecution case is that the prosecutrix was working as Nurse in the Global Hospital from 7th May, 2019 to 10th October, 2019. In the hospital, Hasim Siddiqui was employed for taking blood samples. He used to touch her inappropriately. He entered into her changing room and kissed her. He used to call complainant and express his love for her. Main Doctor of hospital Dr. Shamshad Shaikh had requested her to work 24 hours in hospital as Nurse working full

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time had left left job. Thereafter, she started staying in hospital. Dr.Shamshad Shaikh used to call complainant in cabin and touch her inappropriately. Hence, she left job on 10th October, 2019. In January 2020, Dr.Shamshad called her and requested her to join job with assurance that he would not trouble her. Hence on 13th January, 2020 complainant again joined Global Hospital on 13th January, 2020. On 30th March, 2020 at about 8.30 a.m. she was proceeding to her room. At that time, Hasim demanded syringe for blood collection. She went to operation theatre. At that time, Hasim closed the door and committed forced sexual intercourse with her. She shouted. She did not inform this incident to anyone. Thereafter, Hasim had physical relationship with her on 4 to 5 occasions. She protested but he promised that he would marry her. On 22nd May, 2020 Dr.Shamshad called her in cabin and showed her video with Hasim and demanded sexual favour.

3. The co-accused Dr.Shamshad Ahmad Dulare Ahmad has been granted anticipatory bail by this Court vide Order dated 13th August, 2020.

4. From the First Information Report ("FIR" for short) it appears that alleged incident of sexual relationship had occurred on 30th March, 2020. Thereafter about 5 to 6 times there was sexual

relationship between them. It is also alleged that complainant objected but the applicant/ accused had promised her of marriage. The relationship prima-facie appears to be of consensual nature.

5. The applicant is aged about 19 years. There are no criminal antecedents against him. Investigation is complete. Charge-sheet filed. The applicant is in custody for about seven months. The FIR was lodged after about two and half months after first incident. Statement of Gurupreet Singh dated 27th June, 2020 mentions that CCTV camera footage was shown to him in presence of panchas but the recording is maintained for 21 days hence there was no recording of alleged incident. The other witnesses from hospital has shown ignorance about incident. The statements mentions that complainant and applicant were knowing each other and they used to sit together and talk. Considering the factual matrix of this case, further detention of the applicant is not necessary.

6. Hence, I pass the following order.

ORDER

- i) Bail Application No. 59 of 2021, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 202 of 2020 registered with Ulhas Nagar Police Station on executing PR.

bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;

- iii) The applicant shall report concerned police station once in a three months on every first Saturday of the month between 11.00 am. to 1.00 pm. till further order.
- iv) Applicant shall not approach the victim or tamper evidence in any manner;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)