

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

ANTICIPATORY BAIL APPLICATION NO. 252 OF 2021

Zoeb Ahmed Nisar Ahmed Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Farzana Sawant i/b. Mr. Mateen Shaikh, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. Not on board. Taken on board.
2. This is an application for anticipatory bail in C.R. No.21 of 2020 registered with V.B.Nagar Police Station for offences under Sections 376, 354, 342 of Indian Penal Code.
3. The FIR was registered on 6th February 2020 by the victim who is aged about 29 years. According to the complainant, on 4th February 2020 she received call from her friend who gave telephone number of another person and told her to remain in touch with him. The complainant gave call to the said person. She was called at Wellington Hotel. She visited the hotel and the room in the

said hotel. Four persons were present. One of them gave his name as Zoeb. She was informed that there is police raid in the hotel. Zoeb assured her that he would save her from police. At about 2.00 am in the same night the complainant boarded auto rickshaw. The applicant-accused also boarded the same rickshaw and sat next to her. He took her to another hotel. She was taken to room. He tried to come close to her. The complainant warned him not to do so. There was forced physical relationship. On the next day morning at about 8.30 am, she left the hotel premises.

4. The contention of applicant is that the entire case is false. The applicant has been framed in this case. Reliance is placed on the what's app messages exchanged between the applicant and his friend. It is also contended that the applicant had forwarded the complaint to police on 18th February 2020 with a request to collect CCTV footage from Hotel Wellington and Kalpana Hotel, which according to him would show that the case is false.

5. Learned APP has submitted that the applicant and victim (complainant) had visited Kalpana Hotel at about 3.00 am. The statement of Manager of the hotel was recorded on 9th February 2020. He has stated that both of them had visited the hotel. There was some quarrel on account of mobile phone between them. The

name of victim girl was given as Dimple Agarwal. The identification proof of the complainant was given. The identification proof of the complainant is false.

6. It appears that the victim and the applicant had entered into hotel. In the register name of applicant and victim girl was recorded. Name of victim is recorded as Dimple Agarwal which is not her correct name. It was done in presence of complainant. The entry in the register and the identification proof was handed over to the manager in the presence of complainant. The victim stayed in the room with accused till next day morning. She accompanied applicant upto Kalpana Hotel. Both had checked in the hotel. The version of complainant creates doubt. The applicant was granted interim protection by order dated 11th March, 2021 with direction to appear before the Investigating Officer on stipulated dates. Learned advocate for the applicant submits that the applicant had complied the directions in interim order. In view of the above, interim protection granted to the applicant by this Court can be confirmed.

ORDER

- (i) Anticipatory Bail Application No. 252 of 2021, is allowed;
- (ii) The interim order dated 11th March, 2021 is hereby confirmed.

(iii) In the event of arrest of the applicant in connection with C.R. No.21 of 2020 registered with V.B.Nagar Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;

(iv) The applicant shall attend the investigating officer as and when called for till filing of charge-sheet;

(v) The applicant shall not tamper with the evidence.

(vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)