

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.684 OF 2020

Shanu Afsar Hussain Mirza

Applicant

versus

The State of Maharashtra

Respondent

Mr.Akam Vijay i/by Ms.Tripti Shetty for applicant.

Mr.S.S.Pednekar, APP, for State

CORAM : PRAKASH D. NAIK, J.

DATE : 18th January 2021

PC :

1. This is an application for anticipatory bail in C.R. No.255 of 2019 registered with Andheri Police Station, Mumbai for offences punishable under Sections 376, 384, 328 and 506 of Indian Penal Code.

2. The FIR was lodged on 24th May 2019. The complainant is married woman. Divorce proceedings with her husband are pending in Court. She is residing separately. She was acquainted with the applicant since 2010. Initially they were working together. They developed friendship. In 2012 they started their business. There were disputes between them. Applicant owed Rs.8,47,000/- to complainant. It is alleged that on 13th October 2018 she consumed Cranberry Juice and later on felt giddiness and slept. Subsequently on the next day she realized that there was pain in her abdomen. She continued to stay in the hotel for another day and checked out

from hotel on 15th October 2018. The applicant threatened complainant that he would show her nude photographs to relatives. In January-2019 applicant returned her money. The applicant refused to marry her. He again demanded money which were parted by her. He refused to return the amount. From tenor of the FIR it is apparent that the applicant and the complainant were acquainted with each other since 2010. The alleged incident of sexual assault which is also not specifically mentioned, had occurred on 13th October 2018. The FIR was registered on 24th September 2019, however, the statements of the complainant appears to have been recorded on 24th May 2019.

3. The applicant was granted interim protection vide order dated 19th March 2020. The applicant has complied the directions of attending police station and co-operated with investigating agency. In view of above, interim protection granted by this Court vide order dated 19th March 2020 can be confirmed.

4. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.684 of 2020 is allowed and disposed of;
- (ii) Interim order dated 19th March 2020 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.255 of 2019 registered with Andheri Police Station, Mumbai, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall attend investigating officer as and when called for.

5. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST