

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

ANTICIPATORY BAIL APPLICATION NO. 938 OF 2021

Mohammad Taufique Alam ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shadab Khopekar, Advocate for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent – State.
Mr. Sunil Gade (P. S. I.) Oshiwara Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th JUNE, 2021

PER COURT:

1. The applicant is apprehending arrest in C.R. No. 91 of 2021 registered with Oshiwara Police Station, Mumbai for offences under Sections, 376(2),(n), 406, 420, 504, 506, 323 r/w Section 34 of Indian Penal Code (for short “IPC”). Subsequently Section 354 of IPC was added. The First Information Report (for short ‘FIR’) was registered on 27th February, 2021.

2. The complainant is lady aged about 38 years. It is alleged that she was acquainted with accused No.1- Mustak Khan. He promised that he would perform marriage with the complainant. There was physical relationship between them. The applicant is the

relative of accused No.1. He was introduced to the complainant. It was decided that the complainant and accused No.1 would perform marriage. Amount of Rs.1,50,000/- was handed over to the applicant by way Shagun. The marriage was not performed.

3. It is submitted that, the allegations of physical relationship are attributed to accused No.1. There is no proof of handing over the amount of Rs.1,50,000/- to the applicant. Bank statements of accused No.1 which are annexed to the application indicates that, on several occasions, accused No.1 had parted amount to the complainant. The complainant had lodged FIR on 11th February, 2016 for offences under Sections 354-B, 326, 324, 504, 506, 143, 147, & 149 of IPC against others. In the said FIR she had alleged that she was wife of Amir Devlekar. Subsequently, she filed another FIR on 1st February, 2018 for offences under Sections 498-A, 323, 504, 506 of IPC against Ramnik Singh Dhillon who was her husband.

4. Learned APP submits that the complainant has lodged the complaint of threat against the applicant. The FIR has been registered vide C.R. No. 64 OF 2021 with Amboli Police Station, Mumbai for offences under Sections 201, 323, 504 & 506 of IPC. It is submitted that the threat was issued for withdrawing this complaint.

Learned counsel for the applicant however contravend the allegations and contended that false complaint of threat has been registered. Considering the factual aspects as narrated above and since the applicant was granted interim protection vide order dated 5th April, 2021 and the directions to attend the Investigating Officer are complied by him, the interim protection granted to the applicant can be confirmed. Hence, I pass the following order :

ORDER

- (i) Anticipatory Bail Application No. 938 of 2021 is allowed;
- (ii) Interim order dated 5th April, 2021 is confirmed.
- (iii) In the event of arrest of the applicant in connection with in C.R. No. 91 of 2021 registered with Oshiwara Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall attend the investigating officer as and when called for.
- (v) The applicant shall not intimidate the complainant and shall not tamper with the evidence in any manner.
- (vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)