

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 806 OF 2020

Munnawar Hussain Sayyed @
Sayyed Munnawar Hussain ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Amrut Joshi i/b. Shreejit Singh, Advocate for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent – State.
API-Mahendra Bhamare, Kashmirira Police Station.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 28th JANUARY, 2021.

PC :

1. Heard learned counsel for the applicant and learned APP for state.

2. The applicant is apprehending arrest in C.R. No.714 of 2020 registered with Kashmirira Police Station under Section 376(2)(n), 419, 506 of Indian Penal Code, 1860.

3. Primary evaluation of the complaint suggest, it is the case of consensual relationship inspite of knowing that applicant was a married person. Complainant was working with applicant. Complaint suggests, that she was in relationship with the applicant since 2012. Wife of the applicant came to know about it. Hence, complainant left the job. Thereafter, they used to meet. In 2016 they

**RajeP.
Aher**

Digitally
signed by
RajeP. Aher
Date:
2021.02.17
11:52:44
+0530

stayed together. Applicant promised her marriage and had physical relationship with her. He was looking after complainant. On 7th August, 2020 when the applicant had refused to pay her, she had lodged a complaint against him under Section 324 of the Indian Penal Code. Complainant learnt that applicant has performed second marriage in 2017. Complaint has been lodged alleging that applicant had sexually exploited her on the promise of marrying her. So far as, complainant's conduct is concerned, it may be stated, a crime was registered against the complainant under Sections 395, 365 of the Indian Penal Code with Borivali Police Station, wherein she was in custody nearly for 100 days.

4. In consideration of the facts of the case, for furtherance of investigation, custodial interrogation of the applicant is not required. Learned APP submitted that investigation is in progress.

5. Interim protection granted to the applicant vide Order dated 3rd December, 2020. The applicant has reported the investigating officer. In the light of the observation made herein-above, the applicant need not be subjected to custodial interrogation.

6. Hence I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 806 of 2020, is allowed;
- ii) Interim Order dated 3rd December, 2020 hereby confirmed;
- iii) In the event of arrest of applicant in C.R. No. 714 of 2020, registered with Kashimira Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/- (Rupees Twenty Five Thousand Only), with one or more sureties in the like amount;
- iv). The applicant shall report Investigating Officer as and when called for;
- v). Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)