

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

ANTICIPATORY BAIL APPLICATION NO.1614 OF 2021

Anirban Das Blah

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

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Mr. Karl P. Rustomkhan a/w Azhar Meer, Advocate for Applicant.

Mr.R.M.Pethe, A.P.P. for the State-Respondent.

PSI Dinkar Kadam, Bandra Police Station present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 14th SEPTEMBER, 2021**

PC.

1. The applicant is apprehending arrest in connection with C.R. No. 335 of 2021 registered with Bandra Police Station under Sections 376(n) and 354 of Indian Penal Code. FIR was lodged on 26.05.2021.

2. The complainant has alleged that she came to Mumbai in 2014. She does modelling. Accused No.1 had physical relationship with her from 2014 to 2018. They got acquainted on face-book. They became friends. On 21.04.2014 unknowingly there was physical relationship between them. In December 2015 act was repeated. In March 2017 complainant

was assaulted by accused No.1. In 2016 applicant contacted her and gave offer of two movies. She met him. She was forcefully sexually assaulted by him. Thereafter there was no contact with him except conversation in 2019. Accused No.6 told her to perform obscene acts. In 2015 accused No.3 attempted to have physical relationship with her. Accused No.4 outraged her modesty in 2015. The other accused touched her inappropriately and sexually abused her in 2018 and 2019.

3. The applicant was granted interim protection after hearing parties for consideration of interim relief vide order dated 14.07.2021. The applicant was directed to attend concerned Police Station on 02.08.2021, 03.08.2021 and 04.08.2021 and cooperate with investigation. He was also directed to attend police station as and when called, apart from dates mentioned above. The said order indicate that the advocate on behalf of the complainant had appeared and he had sought permission to file intervention application. None appeared for the complainant, nor any intervention application has been filed. Learned counsel for the applicant submitted that copy of application was served upon the advocate for complainant by speed post and the packet containing notice is received by advocate for complainant, along with application for anticipatory bail. The advocate for applicant has tendered on record affidavit of his clerk stating the above facts.

4. Learned advocate for applicant submitted that interim relief was granted to the applicant by order dated 14.07.2021 and he has complied the directions stipulated in the interim order. The allegations against the applicant are restricted to incident of 2016. There is reference of last conversation of 2019. There is delay of five years in lodging complaint. The allegations are vague. The applicant is falsely implicated in offence. In 2018 the complainant threatened him of implication. Even after alleged incident there was conversation between both. Custodial interrogation of applicant is not necessary.

5. Learned APP did not dispute that applicant has attended investigating officer in accordance with interim order. He submitted that applicant may be directed to attend investigating officer for three days.

6. The FIR alleges sexual assault by applicant in 2016. Allegations about sexual assault and outraging modesty are also levelled against other persons. The FIR has been lodged after five years from the date of alleged incident. Apparently, there is conversation between both in 2018. The applicant has complied directions of in interim order. Considering factual aspects of this case, custodial interrogation of applicant is not necessary. Interim relief granted to applicant can be confirmed.

ORDER

- (i) Anticipatory Bail Application No.1614 of 2021 is allowed;

- (ii) Interim order dated 14.07.2021 is confirmed;
- (iii) In the event of arrest of applicant in C.R. No. 335 of 2021 registered with Bandra Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs. 30,000/-, with one or two sureties in the like amount;
- (iv) The applicant shall attend Investigating Officer on 22nd, 23rd and 24th September 2021 between 11.00 am to 01.00 pm and thereafter as and when called for till filing of charge-sheet.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)