

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

CRIMINAL APPLICATION NO. 623 OF 2018

Heena Abdul Sattar Chappalwala ... Applicant
Versus
The State of Maharashtra And Anr. ... Respondents

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Mr. Akash Singh i/b. Mr. Ashok M Saraogi, Advocate for the Applicant.
Mr. R. M. Pethe, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd JULY, 2021

PER COURT:

1. This is an application for cancellation of bail. The respondent No.2 was granted bail by learned Sessions Judge, Borivali, Dindoshi, Mumbai vide order dated 26th July, 2018. The applicant is the original complainant.

2. The contention of the applicant is that the offence is of serious nature. The accused was involved in commission of offences under Sections 376(2)(n), 377, 420, 506 & 354(A)(1)(i)(ii) of Indian Penal Code (for short “IPC”). The learned Sessions Judge has not given cogent reasons for grant of bail. After the respondent was released on bail, the complainant was threatened. The First Information Report (for short ‘FIR’) indicates that there was false

promise of marriage and the complainant was subjected to physical relationship.

3. Learned APP submitted that, on completing investigation, charge-sheet is filed. On account of several circumstances, the trial has not commenced.

4. The FIR was lodged on 23rd May, 2018. On perusal of the report it is apparent that the complainant and the accused were acquainted with each other. They had developed friendship. The accused had allegedly made false promise and subjected the victim for physical relationship. She was also cheated for an amount of Rs.50,000/-. The tenor of the FIR would indicate that the relationship was consensual. There was physical relationship between the complainant and accused on several occasions. The learned Sessions Judge while granting bail is considered all the aspects. Although it is contended that threats were issued to the complainant, no material was placed on record to substantiate the said ground for cancellation of bail. The respondent No.2 was arrested on 4th July, 2018. He was granted bail vide order dated 26th July, 2018. The learned Judge has assigned reasons for granting bail. After analyzing the factual aspects of the matter and considering the submissions of both the sides, the learned Judge

has passed detailed order. In Paragraph 10 of this impugned order it has been observed that further custody of the applicant is not necessary. He was arrested on 4th July 2018. He is interrogated. In the nature of allegations nothing is required to be recovered or discovered at his instance.

5. On perusal of the impugned order and the FIR I do not find any reason to interfere the order granting bail passed by the Sessions Court. Hence, application is devoid of merits.

ORDER

Criminal Application No. 623 of 2018 is rejected and stands disposed of accordingly;

(PRAKASH D. NAIK, J.)