

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

ANTICIPATORY BAIL APPLICATION NO. 897 OF 2021

Mrs. Manjula Singh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 2121 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 897 OF 2021**

Mr. Bobby Tukaram Bhole	 Intervenor
<u>In the matter between :-</u>	
Mrs. Manjula Singh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Harish S. Malhotra i/b. Mr. Mohan Rao for the Applicant.
Mr. Sagar Shete for the Intervenor.
Ms. Rutuja Ambekar, APP for the State.
Mr. R.K. Sharma, PI, Amboli Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R.No.38/2021 registered with Amboli Police Station for offences punishable under sections 376(2)(n), 420, 500, 506(2), 509 of the Indian Penal Code.

2. Heard Mr. Harish Malhotra, learned counsel for the Applicant, Mr. Sagar Shete, learned counsel for the Intevenor and Ms. Rutuja Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by the prosecutrix. It is the case of the prosecutrix that she was in love relationship with the co-accused, Abhishek. She was living with him and they had physical relationship with each other. She has stated that in February, 2020, she learnt that the co-accused was also having physical relationship with the Applicant and that the co-accused had assured to marry the Applicant after getting divorce from his wife. The first informant continued having relationship with the co-accused – Abhishek even after she learnt that he was also having relationship with the Applicant.

4. The complainant has further stated that when Abhishek learnt that she had met his wife – Sadhna, he threatened to post her nude video on whatsapp/social media and also to forward the same to her brothers. She had alleged that once when she had left her mobile in

his house, the co-accused – Abhishek had copied the data from her mobile and he had threatened to post her photographs on social media and defame her.

5. The allegations against these Applicants are that she had engaged one Zakir Shaikh to take the mobile of the first informant and to steal the data. The statement of the said Zakir Shaikh indicates that the Applicant had paid him Rs.1,05,000/- for snatching the mobile of the first informant. Though agreed initially, this witness subsequently decided not to proceed with the work.

6. It is to be noted that the Applicant herein had lodged the complaint against said Zakir for offences under sections 376, 384, 385, 326(A), 341, 504, 506(2), 507 r/w. 34 of the Indian Penal Code. It is stated that charge sheet has already been filed against the Applicant in respect of the said offences. Considering this aspect, prima facie, it would not be safe to rely upon the statement of Zakir. Moreover, as noted above, the first informant has herself stated in the first information report that the mobile data was taken by the co-accused – Abhishek. Hence, the allegations levelled against the Applicant are prima facie doubtful.

7. The Applicant was on interim bail and has reported to the Investigating Officer and co-operated with the investigation. Considering this fact and particularly the nature of accusations and material in support thereof, in my considered view, this would not be a case which would justify custodial interrogation. The Applicant is the resident of Mumbai and there is no possibility of the Applicant absconding and/or thwarting the course of justice. Under the circumstances, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.38/2021 registered with Amboli Police Station, she shall be released on bail on furnishing bail bonds in the sum of Rs.40,000/- (Rupees Forty Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Agency.

(c) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time

to time.

8. The Application stands disposed of. Interim Application stands disposed of in view of disposal of Anticipatory Bail Application.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.03.29
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(SMT. ANUJA PRABHUDESSAI, J.)