

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1250 OF 2022**

Riyaz Ahmed Bhati .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Aniket Nikam with Vivek Arote for the applicant.
Mr.Vijay Upadhyay for the intervenor.
Mrs.Anamika Malhotra, APP for the State.
API Shri Javed Shaikh present.

**CORAM: BHARATI DANGRE, J.
DATED : 14th JUNE, 2022**

P.C:-

1 The applicant apprehend his arrest in C.R. No.377 of 2021 registered with Versova police station invoking Section 384 of the IPC. Recording a *prima facie* case as appearing in the FIR, when it was alleged that the applicant had called the complainant in the hotel for having sexual pleasure and videographed the actual act with his wife and thereafter, demanded an amount under the threat of making the video viral. The proposal from the applicant that she shall deposit an amount of Rs.10,85,000/- was recorded on earlier date. The applicant also made a statement that he has no objection if the amount is

paid to the complainant. In the wake of this, subject to the conditions mentioned in the order, he was released on interim bail.

The said order contemplated two conditions :-

“(d) The applicant to surrender his mobile phone to the concerned Investigating Officer within a period of one week from the date of this order.

(e) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case”.

2 Learned APP, at the outset, state that there is a clear breach of condition (d) as, the applicant till date has failed to surrender his mobile and when asked, the explanation offered is, his mobile is with his daughter and the same would be surrendered within two dates. However, admittedly, condition has not been complied with.

3 During the course of investigation, the Investigating Officer has recorded the statement of one Sanjay Saini, to whom a reference has been made by the complainant in his complaint. Statement of the said person recorded on 6/12/2021, clearly lead to the modus operandi, which involve the present applicant in arranging for girls/women for sexual pleasure for payment of

money. He referred to a party held in the month of January 2021 and he specifically state that he received a phone call from a woman who was brought in the party and she told him that she was desirous of disclosing something to the complainant and to him, and she disclosed that she was not the friend of the applicant, but was his wife. The said statement specifically refer to the recording of a video by a concealed camera in Novatel Hotel at the instance of the applicant along with said woman, and extortion of amount of Rs.25 lakhs.

During investigation, the statement of the woman who was brought to the hotel and while having physical indulgence with her, the videos came to be recorded by the applicant, is also recorded.

The wife of the applicant specifically state that it was at the instance of the applicant she was forced into the act and she described the incident where she was physically close to the complainant and this video was shot in concealed camera. The said witness specifically state that she had also approached the Woman Commission, BKC, by instituting a complaint against the applicant.

3 Perusal of the two statements would reveal that the applicant is prima facie involved in the act of forcing his wife into sexual relationship with other men and shooting the entire

incident and for blackmailing and extorting the amount from the said persons/customers.

Learned APP also make a categorical statement that in the past, from the six cases registered against the present applicant, three cases are of extortion.

The learned counsel for the applicant state that the amount of Rs.10,85,000/- is deposited in this Court.

4 From the aforesaid two statements, it is apparent that custodial interrogation of the applicant is very much necessary and particularly, when he has failed to co-operate with the Investigating Agency and abide by the condition that was imposed upon him while he was admitted to ad-interim bail. On reading the two statements, even the prosecution is likely to add certain more charges and in such circumstances, the protection granted in favour of the applicant cannot continue during investigation and it warrant custodial interrogation of the applicant.

Application is therefore, rejected.

(SMT. BHARATI DANGRE, J.)