

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

**ANTICIPATORY BAIL APPLICATION NO.1022 OF 2021
WITH
INTERIM APPLICATION NO.490 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.1022 OF 2021**

Aslam Babu Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Piyush Toshniwal i/b. Mr. Vivek N. Arote for the Applicant.

Mr. Govind Solanke for the Intervenor.

Mr. Y.Y. Dabke, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd AUGUST, 2022.

P. C. :-

1. The Applicant herein has sought pre-arrest bail in Crime No.358 of 2020 registered with Vairag Police Station, District :-Solapur (rural) for offences punishable under Sections 452, 376 and 506 of the IPC.

2. Heard Mr. Toshniwal, learned counsel for the Applicant, Mr. Govind Solanke, learned counsel for the Intervenor and Mr. Dabke, learned APP for the Respondent-State. 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 FIR lodged by the prosecutrix. The material on record prima facie reveals that the prosecutrix is a married woman with two children. The Applicant was known to the prosecutrix and he used to visit her house. The prosecutrix has alleged that the Applicant had taken her photographs while she was bathing. She has further stated that on 03/08/2020 the Applicant came to her house and threatened her. She claims that she did not disclose the incident to anyone due to fear. On 04/08/2020 once again the Applicant visited her house and coerced her to have physical relationship with him under a threat of making said video viral. She subsequently informed her husband and in-laws about the incident and thereafter lodged the FIR on 08/08/2020.

4. The records prima facie reveal that the prosecutrix had reported the matter to police and had lodged a complaint against the Applicant on 07/08/2020 for abusing and threatening her. She had not made any accusations of taking photographs and /or subjecting her to rape. These allegations have been made only after the police had

registered non-cognizable offence against the Applicant.

5. Considering the above facts and circumstances, this Court had granted interim bail to the Applicant vide order dated 02/11/2020. It is stated that the Applicant has complied with conditions of the said order. It is stated that he has reported to the police and has been interrogated. Mobile phone is already seized and forwarded to CFSL and the report is still awaited. Investigation is completed and charge sheet has been filed.

6. Under the circumstances, this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.358 of 2020 registered with Vairag Police Station, District :-Solapur (rural), the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper

with the prosecution evidence /witnesses.

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

7. Application stands disposed of.

8. In view disposal of the Anticipatory Bail Application, the interim application does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)