

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

ANTICIPATORY BAIL APPLICATION NO.1918 OF 2021

Nishad Mohammad Sayyad Applicant
Versus
The State of Maharashtra and another Respondents

Mr. Satyam Pille, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for Respondent No.1-State.
Mr. Vinayak Patil, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JANUARY, 2022
[Through Video Conferencing]

PC. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.I-277/2021 registered at Kolsewadi Police Station, Kalyan, District-Thane on 31.5.2021 under Sections 376(2)(n), 420, 328, 324, 323 of the Indian Penal Code.

2. Heard Shri Satyam Pille, learned counsel for the applicant, Smt. A.A. Takalkar, learned APP for respondent No.1 State and Shri Vinayak Patil, learned counsel for respondent No.2.

3. The FIR is lodged by the prosecutrix herself. She has stated in June, 2020 she got acquainted with the applicant through a common friend. Their friendship grew and they used to meet each other frequently. In September 2020, the applicant took her to a lodge near Kalyan railway station and there they had their first physical relation. It is mentioned in the FIR that the applicant video-graphed their act and based on that he used to blackmail her. The FIR mentions that the applicant had taken Rs.13,50,000/- from her and also had taken a car from her between the period from August, 2020 and January, 2021. She was always threatened that the mobile phone recording would be made viral by the applicant. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that it was a consensus love affair and there are WhatsApp chats to show the love affair. The applicant had got married with the first informant and there is a *Nikah-Nama* document annexed to this application. There is also affidavit annexed to this application. He further submitted that the allegations are false. It was purely a case of love affair. The applicant has co-operated with the investigation. The vehicle in question as also his

mobile phone are seized by the police.

5. Learned APP as well as learned counsel for respondent No.2 strongly opposed this application. It was prosecutrix's case that she was deceitfully taken to some place and she was told that their marriage was performed. She had recorded these allegations in the previous complaint given by her to the police on 15.3.2021.

6. According to the prosecution as well as learned counsel for respondent No.2, all the time the prosecutrix was threatened by the applicant by telling her that the video-clip would be made viral.

7. I have considered these submissions. The allegations are very serious. At this stage, it is not possible to record that the prosecutrix's version was false. There is reference to video recording and there is strong possibility that the prosecutrix was continuously blackmailed by the applicant. Therefore, no case for grant of anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)

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