

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

ANTICIPATORY BAIL APPLICATION NO.2395 of 2021

Rashid Vasi Shaikh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr. Tanveer Farooqui for the applicant.

Mrs. Rutuja Ambekar, APP for the State.

PI Shri Mahendra Suryavanshi from Malvani police station.

CORAM: BHARATI DANGRE, J.

DATED : 27th JUNE, 2022

P.C:-

1 On the last date of hearing, the learned APP made a statement that the Forensic Report from CFSL, Kalina in respect of the mobile phone of the applicant is awaited. The situation continue to remain so even today. She is unable to make a statement when the report can come.

2 The applicant face the accusations from the prosecutrix, aged 23 years, alleging that he has forcibly committed intercourse with her and he has recorded the actual act and taken some photographs, which she apprehends that he would make viral. That is the reason why the applicant is directed to report to the Investigating Officer and surrender his mobile.

3 Apart from the aforesaid purpose, the custodial interrogation of the applicant is not warranted. The complainant and the applicant are two major persons and whether the physical

indulgence of the applicant with the complainant was by free consent, or it was not, is a matter of trial.

4 Since as per the learned APP, on instructions of the Investigating Officer, his custodial interrogation is not warranted. He is directed to be released on bail in anticipation of his arrest on the following conditions :-

ORDER

- (a) In the event of his arrest, the Applicant – Rashid Vasi Shaikh in connection with C.R.No.1093/2021 registered with Malvani Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall not in any manner, establish any contact with the prosecutrix.

(SMT. BHARATI DANGRE, J.)