

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2318 OF 2022**

Adnan Abdul Rehman Lambe .. Applicant
Versus
The State of Maharashtra .. Respondent

...

Ms.Asha Joshi i/b Drishti Khurana for the applicant.
Mrs.A.A.Takalkar, APP for the State.
PSI Bharat Koyal from Nagpada police station

**CORAM: BHARATI DANGRE, J.
DATED : 25th AUGUST, 2022**

P.C:-

1 The applicant is arraigned as accused no.2 in C.R.No. 57/2022 registered with Nagpada police station which invoke Sections 376(2)(n), 420 r/w Section 34 IPC. The complainant reported to the police station on 10/3/2022 and stated that, in the year 2016, she was introduced through the Facebook to accused no.1 and thereupon a bond of friendship developed between them. They exchanged the mobile numbers, and fell in love. As per the narration of the complainant, Munaf i.e. Accused no.1 proposed and the offer was readily accepted by her. They were into the relationship and accused no.1 narrated to her that he was

in tremendous financial distress and whenever such difficulty was expressed, she arranged for the money.

In 2017, they established physical relationship and according to the version of the complainant, she resisted, but Munaf told her that in any case, since they are getting married, the act was performed on several occasions. It is narrated that on one occasion, she paid the sum of Rs.50,000/- in cash to Munaf. Without mentioning the date, it is stated that somewhere in the year 2019, the applicant who is the brother of Munaf made a phone call to her and informed her that Munaf was arrested and for his release, she should arrange for the money. As per his request, it is alleged that, by a Bank transfer, a sum of Rs.2,000/- was made over to him.

2 The case of the complainant is to the effect that after 2020, Munaf did not establish any contact with her, and on Facebook account, somewhere in December 2021, she noticed his photographs along with some other woman. She, therefore, made phone call to the present applicant who is brother of Munaf and tried to extract some information. After some time, since it was revealed to the complainant that Munaf was already married, and he was running a Cafe and he is a rich person, she realized that she has been cheated and she reported to the police station on 10/3/2022, levelling allegations against Munaf as well as the present applicant who is his brother.

3 Perusal of the complaint would reveal that no role is attributed to the present applicant, except that on one occasion, the complainant transferred an amount of Rs.2,000/- in his account. As far as the allegations of rape and cheating are concerned, they are levelled against accused no.1 and therefore, the custodial interrogation of the applicant is not necessary.

He has been roped in the complaint only as a brother of Munaf against whom serious allegations are levelled.

It is informed that Munaf is already arrested and is in judicial custody. The applicant deserve the following order :-

ORDER

- (a) In the event of his arrest, the Applicant - Adnan Abdul Rehman Lambe in connection of C.R.No.57/2022 registered with Nagpada 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 report to the police station on 5th and 6th September 2022 between 10.00 am to 12 noon and thereafter as and when directed.

4. The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)