

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

ANTICIPATORY BAIL APPLICATION NO.2693 OF 2021

Sarfraz Saiyad Ahmad Ansari ... Applicant
Versus
The State of Maharashtra Respondent

Mr. Satish Muley, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th JANUARY, 2022
[THROUGH VIDEO CONFERENCING]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.970/2021 registered at Sakinaka Police Station, Mumbai on 23.7.2021 under Sections 377, 341, 506, 504, 509, 385, 354-D, 376(2)(n) of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

2. Heard Shri Satish Muley, learned counsel for the applicant and Smt A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by the prosecutrix herself. At the time of registration of the FIR, she was 20 years of age. She has stated that in 2015-16, the applicant used to follow her when she was going to her school. He tried to develop friendship with her. In 2017, the applicant took her to his house at Andheri. That time, nobody was present in the house. At that time, he committed forcible sexual intercourse against her wish. He also shot video and took some photographs. In spite of the informant's resistance, he continued with his act. She got scared and went back to her house. She was afraid of her family as well. The applicant used to take advantage of this position and he used to blackmail her that he would circulate the objectionable photographs and because of this pressure she used to succumb to his lust. This went on for four to five years. He also extracted money from her. On 25.5.2021, he forced her into marrying him by threatening her to publish her photographs and video shooting. After her marriage she was taken to a lodge in Lonavala. The FIR mentions that she was treated like

an animal and was subjected to forcible unnatural sex. She used to be given some intoxicating drug and she was sexually exploited. He also demanded money from her. The informant then contacted her parents and went back to reside with them. The applicant used to threaten her on the basis of the video shooting and the photographs, which he had in his possession and this harassment continued for quite some time. Finally the first informant lodged her FIR.

4. Learned counsel for the applicant submitted that the informant lodged this FIR at the behest of her parents. The applicant has filed a *habeas corpus* petition before this Court, in which notice was issued. He submitted that all the allegations in the FIR are false. Only because the applicant was from a lower caste and her parents are not willing to give permission for their marriage, this false FIR is lodged against him.

5. Learned APP strongly opposed this application. She tendered the statement of the prosecutrix recorded under Section 164 of Cr.PC.. In that statement also the prosecutrix

has narrated the same instances which she has mentioned in the FIR.

6. I have considered these submissions. The FIR mentions the instances of sexual intercourse when the informant was still minor. Even then the intercourse was against her wish. According to the informant, the applicant had recorded video shooting and had taken some photographs, based on which he was continuously blackmailing her. The FIR mentions that she was treated as an animal, was sexually exploited and was subjected to unnatural sex. The allegations are very serious. The informant has stuck to her story in her statement recorded under Section 164 of Cr.P.C.. At this stage, there is no reason to doubt her version. No case for anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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