

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2584 OF 2022

Mr. Danish Mirza ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Arfan Shaikh, Advocate, for the Applicant.
Mr. M.M. Deshmukh, APP, for the Respondent/State.
Mr. M.A. Rathod, Head Constable, Matheran Police Station, Raigad present.

CORAM : N.R. BORKAR, J.
DATE : 21.11.2022.

PC. :

1. This is an application under Section 438 of Code of Criminal Procedure (in short Cr.PC.) for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 12 of 2022 registered at Matheran Police Station, Raigad, for the offence punishable under Section 376 and 506 of the Indian Penal Code (in short IPC).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State and perused the statement of the prosecutrix, who is aged about 38 years.
4. Perusal of the statement shows that the applicant and the

prosecutrix got acquainted with each other through Instagram. They thereafter started meeting each other. According to the prosecutrix, the applicant had proposed her for marriage. On 08/06/2019 they went to Matheran and stayed there for two days. According to the prosecutrix, during their stay at Matheran, the applicant committed sexual intercourse with her and she did not object to it as the applicant was going to marry her. According to the prosecutrix the applicant used to call her at one hotel at Thane and there also he used to commit sexual intercourse with her. It appears that some differences arose between the applicant and the prosecutrix and therefore, according to the prosecutrix, she stopped meeting the applicant as she thought that applicant would not marry her. According to the prosecutrix, in April-2022 the applicant had demanded Rs. 5,00,000/- to her and as she refused to give that amount, the applicant threatened her and therefore she stopped talking with the applicant since April-2022.

5. It appears that the prosecutrix has lodged the complaint on 04/08/2022. There is no explanation as to why the complaint was not lodged in April-2022. According to the prosecutrix, she herself stopped talking with the applicant since April-2022 and there are no allegations that she had asked the applicant to marry her and he refused.

5. Considering the facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed:

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) The interim order of anticipatory bail granted by this Court dated 22/09/2022, is hereby confirmed.
- C) Application is disposed of.

[N.R.BORKAR, J.]