

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

**ANTICIPATORY BAIL APPLICATION NO. 3221 OF 2021**

|                          |                 |
|--------------------------|-----------------|
| Anjum Moizuddin Quamar   | .... Applicant  |
| Versus                   |                 |
| The State of Maharashtra | .... Respondent |

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Mr. Jitendra Mishra for Applicant.  
Smt. A. A. Takalkar, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 18<sup>th</sup> JANUARY, 2022**  
**(through Video Conferencing)**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 124 of 2021 registered at Kurla Police Station, on 03/04/2021, under sections 376 and 506 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Jitendra Mishra, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by the prosecutrix herself. She has stated that, in January 2012 through some phone call made by the informant to a call

center, she got acquainted with the applicant. He developed contacts with the informant. They met in Mumbai. The applicant went to Dubai for work. He came back in the year 2014; that time they had met in a garden in Mumbai. The applicant had told the informant that, he was in love with her. The informant had also accepted his feelings. In the year 2015, he started chatting with her from another phone number. He again called her to meet in a garden in Mumbai. The serious allegations are that the applicant induced the victim-informant to record her nude photographs and video and to send him on his mobile phone. The victim getting induced by his suggestion, did accordingly. The informant's case is that the applicant, after that, started threatening the informant. He came to Mumbai on 17/02/2021. He threatened the informant that he would make those photographs and video viral. Because of fear the applicant went to a hotel as called by the applicant and there the applicant had forcible sexual intercourse with the victim against her wish, by keeping her under threats of making those photographs and video viral. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that, there

is delay in lodging the F.I.R. The incident is dated 17/02/2021 and the F.I.R. is lodged on 03/04/2021. He submitted that, their marriage was not possible because they belonged to different religions. The applicant was willing to marry her but the informant's family was against this marriage. The F.I.R. is lodged only at the behest of the informant's father. He submitted that, there are certain photographs annexed to this application which show very close relations. He submitted that, it was a consensual relationship and no offence u/s.376 of IPC is made out.

5. Learned APP opposed this application. She submitted that the applicant's custody is necessary. It is also necessary to seize his mobile phone and other video recordings which he has. The applicant has not co-operated with the investigation.

6. I have considered these submissions. Initial part of the F.I.R. does mention that it was a love affair, however, later part of the F.I.R. clearly mentions that the informant was induced by the applicant to send her obscene photographs which he was using to keep pressure on her and to establish forcible physical relations with the informant. The F.I.R. also mentions that the applicant was

constantly threatening her that her obscene photographs and video would be made viral. In fact, some of the photographs annexed to this application are also quite intimate. That does mean that the applicant has intimate photographs and he was not feeling shy to use those photographs. In this view of the matter, at this stage, I find sufficient substance in the allegations made by the first informant. The offence is serious. No case for grant of anticipatory bail is made out. Custodial interrogation of the applicant is necessary.

7. The application is rejected.

**(SARANG V. KOTWAL, J.)**