

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

ANTICIPATORY BAIL APPLICATION NO. 3043 OF 2021

Mubashir Usman Sayed	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Viral Rathod a/w. Saima Sothe i/b. Mr. A.A. Sothe
for the Applicant.

Ms. Sharmila Kaushik, APP for the State.

Mr. Aditya Sharma for the first informant.

Mr. Rajani V. Salunke, PI, Oshiwara Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th APRIL, 2022.

P. C. :-

. At the outset, Mr. Viral Rathod, learned counsel for the Applicant seeks leave to implead the complainant as party Respondent No.2. Leave is granted. Cause title be amended forthwith. Mr. Aditya Sharma, learned counsel waives service on behalf of the Respondent No.2.

2. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.791/2021 registered at Oshiwara Police Station, Mumbai for offences punishable under sections 354, 354(A), 376, 504 and 506 of the Indian Penal Code.

3. Heard Mr. Viral Rathod, learned counsel for the Applicant, Ms. Sharmila Kaushik, learned APP for the State and Mr. Aditya Sharma, learned counsel for the first informant. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by the prosecutrix. The FIR prima facie reveals that the complainant was working in the firm wherein the Applicant was one of the partners. She has alleged that the Applicant used to help her financially. She claims that between January, 2021 till April, 2021, the Applicant had outraged her modesty and had sexually abused her. The complainant is a 25 years old girl. The Applicant appears to be a married man. The material on record particularly the whatsapp chat prima facie reveals that the relationship was consensual. Considering the above fact, this Court (Coram : Nitin W. Sambre, J.) by order dated 22/12/2021, granted interim bail to the Applicant with directions to report to the Investigating Officer. It is stated that the Applicant has already reported to the Investigating Officer and has been interrogated.

5. Considering the nature of the accusations, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.791/2021 registered at Oshiwara Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Agency ;

(c) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

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(SMT. ANUJA PRABHUDESSAI, J.)