



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

BAIL APPLICATION NO. 168 OF 2023

IRSHAD CHAND SIDDIQUI

..Applicant

VS

THE STATE OF MAHARASHTRA

..Respondent

Adv. Pramod Kathane a/w. Adv. Anjaykumar Kori for the
Applicant.

Mr. P.H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 328, 376(1), 406, 506 of the Indian Penal Code (hereafter 'IPC' for short), registered vide First Information Report (FIR) No.1092/2022 with Sakinaka Police Station.
- 3.** The FIR is dated 9/5/2022. The applicant and the victim are known to each other. The victim is a married lady and was staying with her husband. The applicant was a neighbour of the victim. He committed an act against the victim which constitutes an offence under aforesaid

sections. According to the victim, the act was committed by the applicant with her in December 2021. It is stated that thereafter, the applicant threatened her that he would make her obscene photographs viral. The applicant on the strength of these photographs continued the physical relations with the victim. It is further stated that the victim became pregnant. It appears that the victim handed over a sum of Rs.50,000/- to the applicant. When the victim wanted the money back, she came to know that the applicant was not traceable and hence, she realized that she has been cheated.

4. From the version of the victim, *prima facie*, I am inclined to agree with the submission of learned counsel for the applicant that the possibility of consensual relationship cannot be ruled out. The victim appears to be upset because the applicant avoided returning the money he had taken from her.

5. Learned APP submitted that the applicant was arrested from Ayodhya and he is a permanent resident of Uttar Pradesh. While releasing the applicant on bail, conditions need to be imposed. The investigation is complete. The

charge-sheet has been filed There are no criminal antecedents reported against the applicant. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant - Irshad Chand Siddiqui in connection with FIR No.1092/2022 with Sakinaka Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the Investigating Officer of the Sakinaka police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not enter the area of Sakinaka Police Station except for the purpose of reporting to the investigating officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall not leave the State of Maharashtra without leave of the trial Court.

(h) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)