

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

ANTICIPATORY BAIL APPLICATION NO.324 OF 2023

1) ASLAM SHAMIM SONAWALA
2) FERZANA ASLAM SONAWALA
3) HEENA ASLAM SONAWALA

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Gayatri Nayak a/w Adv. Rajesh Khobragade a/w Adv.
Rahul Yadav i/b Adv. Asma F. Khan for the Applicants.

Ms. A. A. Takalkar, APP for State.

PSI – Rahul Garad, NRI Sagari Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned
APP for the State.

2. This is an application for pre-arrest bail by the
applicants in connection with First Information Report (FIR)
No.0305 of 2022 dated 11/12/2022, registered with NRI
Sagari Police Station, under sections 384, 506, 511 and 34
of the Indian Penal Code, 1860.

3. Applicant no. 1 is the husband of the applicant nos. 2
and 3. Applicant no. 1 was working with the complainant. It

is alleged by the complainant that the applicants hatched a conspiracy to trap him. Applicant no. 1 introduced his second wife i.e. applicant no. 3 to the complainant. Applicant no. 3 purposely provoked the complainant and induced him into sexual physical relations with her. According to the complainant, this was planned by the applicants and even the act was recorded on the mobile phone of applicant no. 3. The complainant was threatened that if he does not pay a sum of Rs. 10 lakhs to the applicants, the said video clip will be made viral and will be also sent to his family members. The complainant was informed to pay the money through some known acquaintances. It is pertinent to note that applicant no. 3 has also filed FIR dated 18/11/2022 against the complainant alleging rape. The complainant has been granted pre-arrest bail.

4. Having regard to the allegations made in the present FIR and considering that the amount of Rs. 10 lakhs towards extortion has not actually been paid, in my opinion, the custodial interrogation of the applicants is not necessary. There are no criminal antecedents reported against the

applicants. The applicants are willing to cooperate with the investigation and hand over their mobile phones to the Investigating Officer. Hence, the following order.

ORDER

(a) In the event of arrest in connection with FIR No.0305 of 2022, registered with NRI Sagari Police Station, the applicants- Aslam Shamim Sonawala, Ferzana Aslam Sonawala and Heena Aslam Sonawala, shall be released on bail on furnishing P.R. Bond to the extent of Rs.15,000/- each with one or more sureties in the like amount;

(b) The applicants shall report to the concerned police station on 06/02/2023, 07/02/2023 and 08/02/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called;

(c) The applicants to co-operate with the Investigating Officer;

(d) The applicants 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 and shall not tamper with evidence;

(e) The applicants shall furnish the details of

their residential addresses and phone numbers to the investigating officer.

(f) The applicants to hand over their mobile phones to the Investigating Officer.

5. The application is disposed of accordingly.

(M. S. KARNIK, J.)