

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

ANTICIPATORY BAIL APPLICATION NO.385 OF 2023

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Saifuddin Fidahusein Sariya ..Applicant

VS.

The State of Maharashtra ..Respondent

Adv. Swaraj Jadhav a/w Adv. Vivek Rane i/b. Adv. Kuldeep M. Jain for the Applicant.

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

Adv. Taraq Sayed a/w Adv. Ashwini Achari a/w Adv. Shrirang Pawar a/w Adv. Advait Tamhankar for complainant.

Mr. Dhananjay Y. Chavan, API, Mumbra Police Station present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 1, 2023

P.C. :

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

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 328, 384, 385, 392, 323, 500, 120-B and 501 of the Indian Penal Code, 1860 in connection with C.R. No.0595 of 2022 dated 22/06/2022 registered with Mumbra Police Station.

3. In all there are five accused. The applicant is the accused No.1. The applicant introduced the complainant to

the accused No.2 who was running a beauty parlour. The complainant and accused No.2 started interacting with each other and exchanged whats-app messages. It is alleged that the messages were exchanged and photographs of the complainant as well as accused No.2 also were shared. The accused No.2 demanded some money from the complainant for her personal work which the complainant gave her as he started loving her. On 14/03/2022, on the pretext that the husband of the accused No.2 had to be informed about the room which the complaint had shown her for beauty parlour business, the complainant was called to her residence for legal guidance and discussion. The complainant is an estate agent who was helping the accused No.2. When he reached the home of accused No.2, her husband was not at home. The complainant was served a drink by the accused No.2. He became unconscious. Taking advantage of this situation the accused No.2 took some photographs of the complainant which were embarrassing. The accused No.2 started blackmailing the complainant. The complainant requested the applicant to settle the issue. The applicant

demanded a sum of Rs.5 lakhs to be paid to the accused No.2. The amount was paid. Further amounts were also demanded by the applicant from the complainant to be paid to the accused No.2.

4. Learned counsel for the applicant submitted that except for introducing the complainant to accused No.2 as she needed a shop for a beauty parlour, the present applicant has no role. According to learned counsel for the applicant, he only tried to mediate and help the complainant who was known to him.

5. The applicant is the one who introduced the complainant to the accused No.2. The accused No.2 and other accused took embarrassing photographs of the complainant which were used for blackmailing him. The applicant was the one who made the demand. The money was collected by the applicant. These pictures of the complainant were forwarded to the complainant's wife. The complainant's wife confronted him with the photographs. It was then that the complainant told his wife the entire story and lodged the FIR. The accusations against the applicant

are serious. His complicity in the offence is evident from the accusations.

6. The investigation reveals that the applicant was in contact with accused Nos.2, 3 and 5 on the date of the incident. Accused Nos.3 and 4 are yet to be arrested. There are call details on record which indicate the applicant's presence in Mumbra on the date of the incident.

7. Considering the gravity of the accusations, the application is rejected.

(M. S. KARNIK, J.)