

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

ANTICIPATORY BAIL APPLICATION NO. 534 OF 2021

Naseem Gauhar Ali Khan @
Mr. Naseem Farooque Khan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sajnay Singh for the Applicant.

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1096 OF 2021**

Sonam Mohammed Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ratnesh Dubey, Appointed Advocate for the Applicant.

Mr. R. M. Pethe, APP for the State in both matters.

Mr. Shashikant Chaudhary for the Respondent No.2 in ABA/534/2021.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.20 of 2021 registered with Malvani police Station for offences under Section 376(2) ((N) and 417 of the Indian Penal Code, and in MECR No.83 of 2021 – registered with Malvani Police Station for offences under Section 384, 388, 389, 504, 506 and 506 (2) of the Indian Penal Code.

2. Heard learned Counsel for the Applicants, learned APP for the

Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2023.04.20
11:02:05
+0530

PRASANNA P
SALGAONKAR

State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR dated 7.1.2021 lodged by the victim. It appears that the victim and the Applicant Nasim were in love with each other. There was promise of marriage and they had entered into physical relationship. He subsequently refused to marry her. The victim therefore lodged a complaint alleging that she had been rape under the false promise of marriage. Whereas, the Applicant Nasim has claimed that the victim has induced him in parting with money and there are threats of false implication in rape case.

4. By order dated 3.3.2021 and 5.5.2021, this Court had granted interim relief to the Applicants in both these applications. Learned APP states that the Applicants in these respective applications have joined the investigation and co-operated with the investigation. He submits that they have been interrogated and that the investigation is almost complete.

5. Considering the nature of the accusation, as well as the fact that the investigation is almost on the verge of completion, presence of the application is not required for custodial interrogation. Hence, interim relief granted by order dated 3.3.2021 abd 5.5.2021 is confirmed.

6. The Applicants are directed to report to the Investigating Officer

as and when called for.

7. The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

8. The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)