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

**BAIL APPLICATION NO. 1481 OF 2022
WITH
INTERIM APPLICATION NO. 8 OF 2023**

Sayed Nass @ Naaz Yusuf Jamal Shamvil ..Applicant

VS.

The State of Maharashtra and Anr. ..Respondents

Mr. A. M. Saraogi, for the Applicant.

Mr. Rohan Samant, for the Respondent No.2.

Mr. S. H. Yadav, APP for the State.

Mr. Bharat K. K. - PSI Nagpada Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 23, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent no. 2 and learned APP.

2. This is an application for bail in respect of C.R.No. 59 of 2021 dated 21/03/2021 registered with Nagpada Police Station for the offence punishable under sections 328, 376, 376(2)(n), 377, 383, 384, 406, 420, 506, 354, 212, 34 of the Indian Penal Code, 1860 and under sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and

under section 67 of the Information and Technology Act, 2002, section 3(5) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

3. The prosecutrix in her FIR alleged that the applicant's husband called up the prosecutrix and requested for help as the applicant's son was not keeping well. The prosecutrix is a doctor. The prosecutrix visited the residence of the applicant on 05/11/2014. She was offered a drink. The prosecutrix felt giddy. After she regained consciousness, she left the residence of the applicant only to realise that the applicant's husband started blackmailing her. The applicant's husband who is the co-accused threatened the prosecutrix that he will make obscene photographs of the prosecutrix viral if she did not meet his demands. The prosecutrix from time to time parted with sum of more than Rs. 1 Crore. The applicant's husband also had physical relations with the prosecutrix. It is then alleged that the applicant's husband threatened the prosecutrix's daughter who then was 14 years of age and demanded physical

relationship with her.

4. Learned counsel for the prosecutrix as well as learned APP opposed the application.

5. Learned counsel for the prosecutrix submitted that after the FIR was registered, the applicant along with her husband was staying in a guest house at Calcutta and were absconding. It is submitted that therefore there is every possibility that the applicant may jump bail.

6. Except the allegation that the applicant was present at the residence on 05/11/2014 when the prosecutrix had visited their residence, all other allegations are against the applicant's husband. So far as the present applicant is concerned, the FIR appears to be delayed. The applicant was arrested on 21/01/2022. Considering the nature of the allegations against the applicant which relate back to November 2014, the fact that she is a woman and that the allegations are mainly against the applicant's husband- co-accused Sayyed Yusuf Jamal Shamvil, whose bail application is pending, the applicant can be enlarged on bail. There are no criminal antecedents reported against the present

applicant. The applicant is in custody for more than 1 year and 1 month. The trial will take a long time to conclude. Some stringent conditions can be imposed on the applicant to allay the apprehension of learned counsel for the prosecutrix that the applicant may jump bail and avoid facing trial. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant –Sayed Nass @ Naaz Yusuf Jamal Shamvil in connection with C.R.No. 59 of 2021 dated 21/03/2021 registered with Nagpada Police Station shall be released on bail on her furnishing P.R. bond in the sum of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall report to the investigating officer once in 15 days on every alternate Saturday between 11.00 a.m. and 12.00 noon.
- (e) The applicant shall not leave Mumbai without leave of the trial Court.

(f) The applicant shall deposit her passport with the trial Court. If she does not have a passport, she shall file an affidavit to that effect before the trial Court at the time of her release on bail.

(g) The applicant shall not enter the area of Worli Police Station till the trial is concluded.

(h) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(i) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change.

5. The application is disposed of. The interim application stands disposed of.

(M. S. KARNIK, J.)